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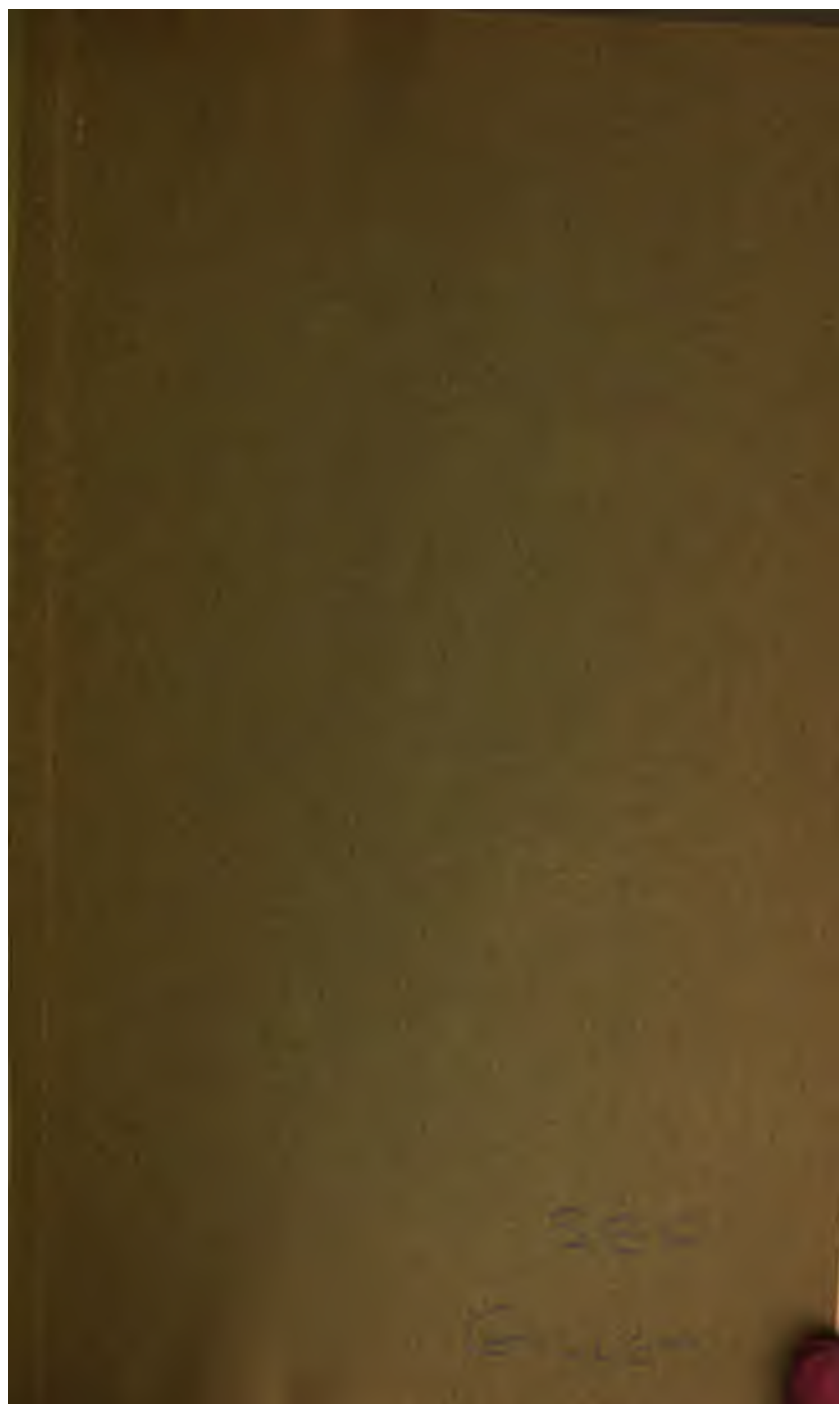
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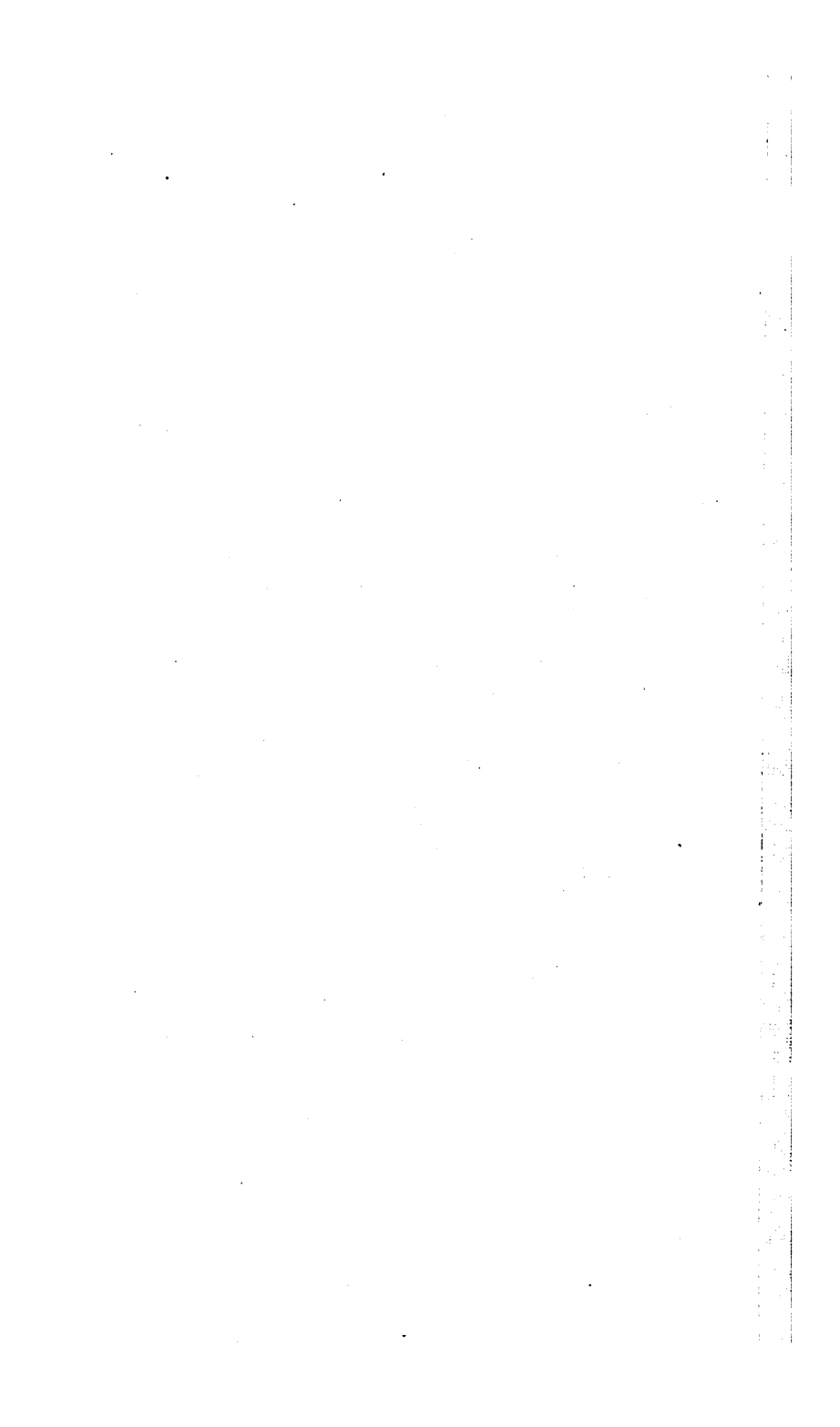
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James Appleton Morgan.







THE
FEDERAL GOVERNMENT;
ITS
OFFICERS AND THEIR DUTIES.

BY
RANSOM H. GILLET,

FORMERLY A MEMBER OF CONGRESS FROM ST. LAWRENCE COUNTY, N. Y., MORE
RECENTLY REGISTER AND SOLICITOR OF THE UNITED STATES TREASURY
DEPARTMENT, SOLICITOR FOR THE UNITED STATES IN THE
COURT OF CLAIMS, COUNSELOR-AT-LAW, ETC.

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TO

HON. JOHN Y. L. FRUYN,

CHANCELLOR OF THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW-YORK

AND

PRESIDENT OF THE BOARD OF COMMISSIONERS OF PUBLIC CHARITIES,

THIS VOLUME IS RESPECTFULLY INSCRIBED BY HIS FRIEND,

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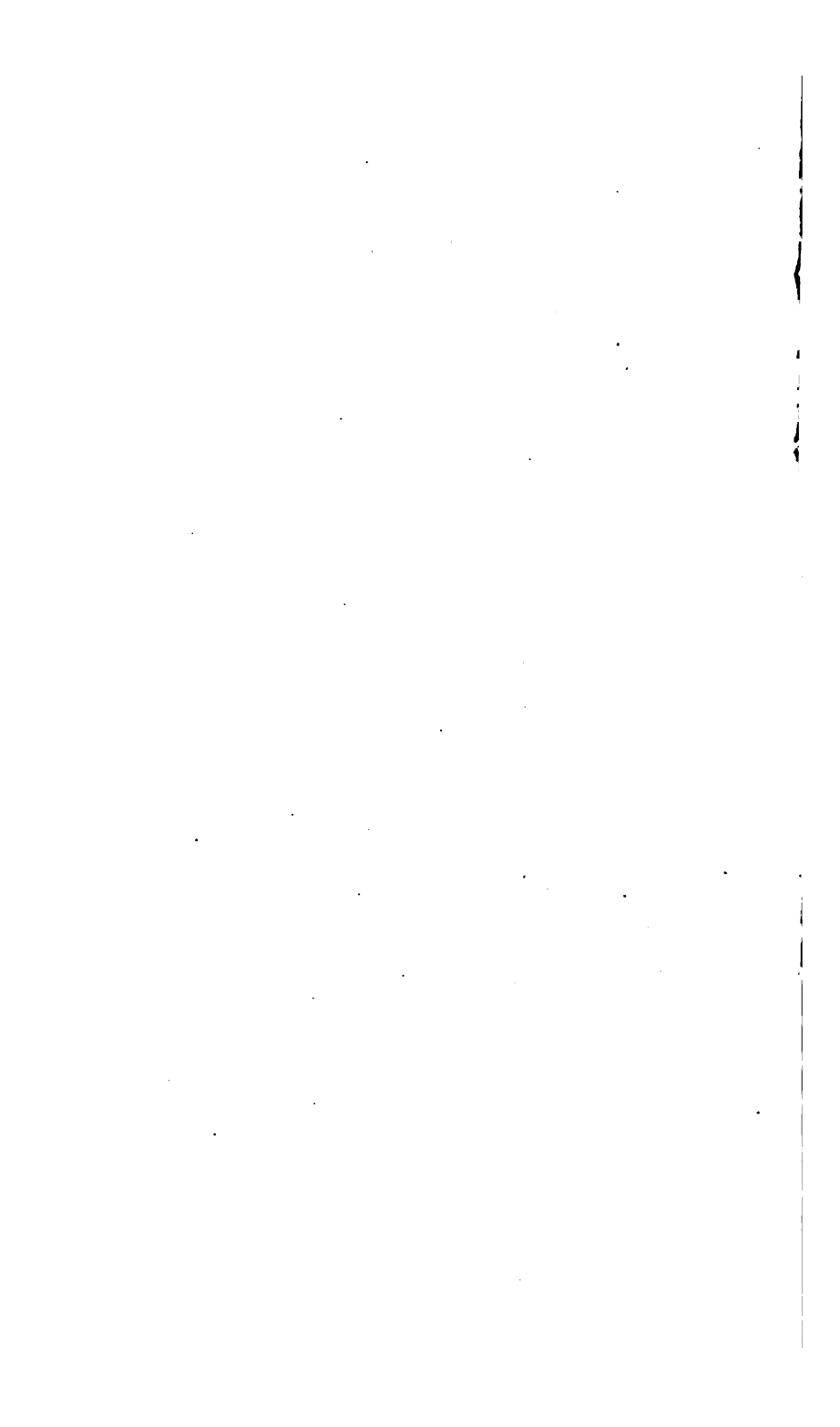


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INTRODUCTION.

THE author of the following pages was early called into public life in the federal government. His professional education and duties had made him comparatively familiar with the constitution and laws, and the manner of conducting public business in the State of New-York, where he resided. It was otherwise in relation to the affairs of the general government, where most things were essentially different, and could only be learned by long, patient, and persevering labor. Numerous volumes of statutes and piles of departmental regulations must there be carefully studied, without a guide pointing out which were repealed, modified, or in force. The most experienced found it difficult, and sometimes impossible, to determine which were in force. Even now, it embarrasses the courts to determine what laws are binding—one tribunal sending a person to state prison for years under a law which another declared to have been repealed. It was at the commencement of his official life that the author deeply felt the want of such a volume as he has prepared and now offers to the public. No opportunity of acquiring the desired knowledge has ever been neglected. A long practice in the higher national courts, and

over twenty years' service in Congress and in various important official positions in the Executive Departments, have rendered him comparatively familiar with most matters pertaining to the federal government. Since his retirement from official and professional life, he has been urged by many to prepare, for general use, a work upon the Federal Government, its officers, and their duties. He now offers the result of his labors to the public, hoping that his work may prove useful to those desiring a general knowledge of the affairs of the government. It is not designed to give minute information to all who hold public office. Its object is to enable the rising generation to understand the structure of our government, what officers are employed in its practical operation, and their general duties. Such knowledge will be highly useful to all, and especially to the American citizen when giving direction to our public affairs. Without knowing what the constitution and laws authorize and require, he can not give instructions to those intrusted with power, or determine whether they have been faithful to the trusts committed to them or worthy of further confidence.

NOTE.—The body of this work was prepared before the adoption of the 13th, 14th, and 15th amendments of the constitution.

THE FEDERAL GOVERNMENT.



CHAPTER I.

COLONIAL GOVERNMENTS PRIOR TO THE REVOLUTION.

THE success of Columbus, in his bold career in navigation and discovery, under the patronage of Ferdinand and Isabella of Spain, elevated him to the highest position among the crowned heads of Europe, and excited their ambition and hopes. All rulers eagerly sought to share in the new world which the genius of the great navigator had given to mankind. Spain took the lead, but Portugal and England eagerly pressed on. Each sovereign claimed the ownership of all lands discovered by his subjects. England sent out her explorers, who saw a portion of our Atlantic coast. She soon assumed to own and control from Maine to Florida, and north, including Canada and the Lakes, and indefinitely west. Although inhabited by numerous Indian tribes, she soon ignored the rights of these real native Americans. Their claim to the soil was not admitted beyond the privilege of hunting and fishing, and raising corn, beans, and pumpkins in the vicinity of their lodges. The adju-

dications of her courts confirmed the assumptions of the crown. England soon granted to favorites by patents—open letters—to favorites, often formed into large and greedy companies, the great body of the temperate regions of the then known portion of our continent. The grants, often without specific or known boundaries, frequently overlapped each other, giving rise to endless confusion and difficulties. She also assumed, and on some occasions exercised, the right of revoking her grants, and making others to different parties. Many of these grants, like that to William Penn, conferred extensive powers of government. From these the colonies sprung into existence, some exercising only powers conferred by the crown, or Parliament, and others all which were not forbidden by provisions of limitation.

Indian titles, and especially occupancy, at first presented obstacles to the establishing settlements. But the process of extinguishing all Indian claims for nominal considerations, and by force of arms, was soon invented, and prosecuted with persevering energy and varying success ; sometimes by individuals, and at others by companies. However fair the negotiations might seem, in no instance were the Indians, even under the unjust limitations of their rights established by contending authority, fully compensated by the whites for their conceded rights of occupancy. The business was transacted in a language they did not understand, and their knowledge of the contents of the papers to which they added their

marks for signatures was derived exclusively from those interpreting them. Fraudulent and unconscionable agreements were made with them, and then unmercifully enforced by the bayonet, the torch, or wicked and inhuman strategy. Under titles thus acquired, the colonies increased in population and expanded in prosperity.

The English government permitted no laws relating to Indians, or any other subject, to remain in force, which were objectionable to the crown. Parliament enacted such laws for the government of the colonies as it chose, and the English ministry made all the executive regulations the king directed, construed them as the crown desired, and annulled in his name those which were unsatisfactory.

Each colony had its own government, more or less democratic in form, and supreme in its operations, when not controlled by the crown or Parliament of England. They combined to defend themselves against both the French and Indians, often sustaining heavy burdens growing out of such wars, which ought to have been borne exclusively by the mother country.

The colonies were attached to England as their fatherland, until long after jealousy of their achievements and prosperity had poisoned and alienated her heart from them. In most of the colonies the crown appointed the colonial governors, who cared little or nothing for the colonists. They usually, with little talent, enjoyed their salaries and exercised their functions with more contempt than affection for those

they deemed their subjects, and with whom they were in almost perpetual collision. The reports of most of them to the crown were noted for two things, a description of their own perfections and sagacity in management, and the sins and wickedness which they charged against the colonists, and especially those who resisted their unauthorized acts and ill-concealed tyranny and oppression.

They resolved to use every possible means to reduce the colonial legislatures to obedience, and to force the people to obey their own unregulated will. Resistance, by every lawful means, was natural, and opposition to the tyrannical, despotic, and illegal acts of the governors daily increased in strength and intensity. Taxation by the English Parliament was resorted to. A duty upon tea arriving in the colonies was imposed, and stamps required upon paper, without which instruments in writing were declared to be without legal validity. In the disguise of Indians, the colonists threw overboard into the sea a ship-load of tea in New-Jersey, and several in Boston harbor. The commissioners for the sale of stamps were compelled, by public opinion, to close their offices and abandon the effort to sell. Rousing public meetings were held, and the proceedings of the home government and its officers in the colonies forcibly and unconditionally denounced. Armies were sent out from England to awe and control the colonists. These, being commanded by officers who neither sympathized with the people nor

understood their temper or rights, soon brought themselves in collision with the colonists.

The people were aroused, and the spirit of resistance grew in strength and took fire, spreading its flames throughout the colonies. The spirit of the people was approved and reflected by the colonial legislatures. The bold spirits led the way, while the timid followed, though sometimes with hesitating steps. Except with bigoted tories, the hearts of all were right. The more daring called for the meeting of a congress of representatives of the several colonies, to consider and determine upon the measures most suitable for the occasion. There was a general concurrence in favor of the proposition, and delegates were appointed in June, July, and August of 1774.

These delegates assembled on the 5th of September, of that year, at Carpenter's Hall, in Philadelphia, and the convention was composed of the following named persons :

From New Hampshire :

JOHN SULLIVAN,
NATHANIEL FOLSOM.

From Massachusetts Bay :

THOMAS CUSHING,
SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE.

*From Rhode Island and
Providence Plantations :*

STEPHEN HOPKINS,
SAMUEL WARD.

From Connecticut :

ELIPHALET DYER,
ROGER SHERMAN,

SAMUEL JOHNSTON,
SILAS DEANE.

*From the City and County
of New-York and other
counties in the Province
of New-York:*

JAMES DUANE,
JOHN JAY,
PHILIP LIVINGSTON,
JOHN ALSOP,
ISAAC LAW.

*From the County of Suf-
folk in the Province of
New-York:*

WILLIAM FLOYD.

From New-Jersey:

JAMES KINSEY,
WILLIAM LIVINGSTON,
JOHN DEHART,
STEPHEN CRANE,
RICHARD SMITH.

From Pennsylvania:

JOSEPH GALLOWAY,
SAMUEL RHODES,
THOMAS MIFFLIN,
CHARLES HUMPHREYS,
JOHN MORTON,
GEORGE ROSS,
EDWARD BIDDLE.

*From New-Castle, Kent,
and Sussex on Dela-
ware:*

CÆSAR RODNEY,
THOMAS MCKEAN,
GEORGE READ.

From Maryland:

ROB'T GOLDSBOROUGH,
WILLIAM PACA,
MATTHEW TILGHMAN,
SAMUEL CHASE.

From Virginia:

PEYTON RANDOLPH,
RICHARD HENRY LEE,
GEORGE WASHINGTON,
PATRICK HENRY,
RICHARD BLAND,
BENJAMIN HARRISON,
EDMUND PENDLETON.

From South-Carolina:

HENRY MIDDLETON,
CHRISTOPHER GADS-
DEN,
THOMAS LYNCH,
EDWARD RUTLEDGE.

From North-Carolina:

WILLIAM HOOPER,
JOSEPH HEWES.

Other delegates subsequently appeared and took part in the proceedings of the convention.

PEYTON RANDOLPH, of Virginia, was unanimously chosen President. This Congress continued in session until the 26th of October, when it finally adjourned. Its proceedings exerted a most important influence upon the public mind, tending strongly to produce the great events which followed. It expressed its sympathy with the people of Boston, in their grievances, and recommended that the colonists should neither import from Great Britain, or purchase merchandise coming from thence, nor export their own productions thither. This constituted a practical non-intercourse between the colonies and the mother country, which, to a considerable extent, was carried into effect.

On the 14th of October, 1774, this Congress passed a declaration and resolves which are but of little less importance than the Declaration of Independence of July 4th, 1776, and which form much of the basis upon which the latter rests. This highly important document is here given at length.

"Whereas, since the close of the last war, the British Parliament, claiming a power of right to bind the people of America, by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretenses, but in fact for the purpose of raising revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners with

unconstitutional powers, and extended the jurisdiction of courts of admiralty not only for collecting said duties, but for the trial of causes merely arising within the body of a county.

“ And whereas, in consequence of other statutes, judges, who only before held estates at will in their offices, have been made dependent upon the crown alone for their salaries, and standing armies kept in times of peace: And whereas it has been lately resolved in Parliament, that by force of a statute made in the thirty-fifth year of the reign of Henry the Eighth, colonists may be transported to England and tried there upon accusations for treason and misprisions, or concealments of treasons committed in the colonies, and by a late statute such trials have been directed in cases therein mentioned.

“ And whereas, in the last session of Parliament three statutes were made; one entitled, ‘ An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, loading or shipping of goods, wares, and merchandise, at the town and within the harbor of Boston, in the Province of Massachusetts Bay, in North-America;’ and another entitled, ‘ An act for the better regulating the government of the Province of Massachusetts Bay, in New-England;’ and another entitled, ‘ An act for the impartial administration of justice in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults

in the Province of Massachusetts Bay, in New-England ;' and another statute was then made ' For making more effectual provision for the government of the Province of Quebec, etc.' All which statutes are impolitic, unjust, and cruel, as well as unconstitutional and most dangerous, and destructive of American rights.

"And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances ; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress have been repeatedly treated with contempt by his majesty's ministers of state :

"The good people of the several colonies of New-Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, New-Castle, Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, justly alarmed at these arbitrary proceedings of Parliament and administration, have severally elected, constituted, and appointed deputies to meet and sit in General Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties may not be subverted. Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration the best means of attaining the ends aforesaid,

do, in the first place, as Englishmen, their ancestors, in like cases have usually done, for affecting and vindicating their rights and liberties, DECLARE :

“That the inhabitants of the English colonies in North-America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS :

“*Resolved*, 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.

“*Resolved*, 2. That our ancestors who first settled these colonies were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

“*Resolved*, 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them as their local and other circumstances enable them to exercise and enjoy.

“*Resolved*, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonies are not represented, and from their local and other circumstances, can not properly be represented, in the British Parliament, they are entitled to a free and exclusive power of

legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has heretofore been used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British Parliament as are *bona fide* restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members ; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent.

“Resolved, 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

“Resolved, 6. That they are entitled to the benefit of such English statutes as existed at the time of their colonization ; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

“Resolved, 7. That these, his majesty’s colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal

charters, or secured by their several codes of provincial laws.

"Resolved, 8. That they have a right peaceably to assemble, consider their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

"Resolved, 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony in which the army is kept, is against law.

"Resolved, 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed during the pleasure of the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

"All, and each of which, the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which can not be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

"In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed

to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

“Resolved, That the following acts of Parliament are infringements and violations of the rights of the colonists, and that the repeal of them is essentially necessary in order to restore harmony between Great Britain and the American colonies, namely :

“The several acts of 4 Geo. III., ch. 15 and ch. 34; 5 Geo. III., ch. 25; 6 Geo. III., ch. 52; 7 Geo. III., ch. 41 and ch. 46; 8 Geo. III., ch. 22, which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

“Also 12 Geo. III., ch. 24, entitled, ‘An act for the better securing his majesty's dock-yards, magazines, ships, ammunition, and stores,’ which declares a new offense in America, and deprives the American subject of a constitutional trial by a jury of the vicinage, by authorizing the trial of any person charged with the committing any offense described in said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

“Also the three acts passed at the last session of

Parliament, for stopping the port and blocking up the harbor of Boston, for altering the charter and government of Massachusetts Bay, and that which is entitled, 'An act for the better administration of justice,' etc.

"Also the act, passed at the same session, for establishing the Roman Catholic religion in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger (from so total a dissimilarity of religion, law, and government) of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France. _

"Also the act, passed at the same session, for the better providing suitable quarters for officers and soldiers in his majesty's service in North-America.

"Also that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

"To these grievous acts and measures Americans can not submit ; but in hopes their fellow-subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have, for the present, only resolved to pursue the following peaceable measures :

"1. To enter into a non-importation, non-consumption, and non-exportation agreement or association.

"2. To prepare an address to the people of Great

Britain, and a memorial to the inhabitants of British America.

"3. To prepare a loyal address to his majesty agreeably to the resolutions already entered into."

In this declaration, and in these resolves, we have the swelling germs of the Declaration of Independence. They show the temper and spirit of those high-toned and bold men who led the way to freedom and independence. The committee who presented them were among the most active and fearless men of the Revolution. They were RICHARD HENRY LEE, of Virginia; JOHN ADAMS, of Massachusetts; WILLIAM SAMUEL JOHNSTON, of Connecticut; PATRICK HENRY, of Virginia; and EDWARD RUTLEDGE, of South-Carolina. Congress followed their lead, and the country went with them.

The Congress of 1775, which met at the State House in Philadelphia, on the 10th of May, was equally firm in resisting the oppressive acts of the British government, and bold in the assertion of the rights of the colonies. Blood had been shed at Lexington on the 19th of the April previous, and the spirit of liberty and independence aroused the patriotism of the land. Bold and fearless resolves were passed by Congress, and their substance reiterated in every city and hamlet in the colonies. Congress commenced to prepare for resisting British power at every hazard. Paine's work, *Common Sense*, the master production of the times, rung its clarion notes in favor of liberty and independence in every

ear, spurring on the bold, rousing the indifferent, and awakening the sluggard. It excited the sympathies of the liberal-minded everywhere, and it was said "that it severed the last link of the chain that bound the colonies to the mother country."

Congress recommended the colonies to form State governments which would be conducive to the safety and happiness of the people in each, and tend to the security of the whole. They provided for raising and equipping armies, and preparing them for the field. The battle of Lexington, in the minds of the more thoughtful men, had rendered reconciliation and harmony impossible. Acts of wrong, oppression, and tyranny followed with increased frequency and intensity. The wanton insolence and violence of her military increased, and exasperated the people beyond human endurance.

Great Britain made taunting displays of her power, and manifested a determination to crush out the growing spirit of liberty in the colonies. This aroused the energies of the latter to the point of bidding her defiance. They preferred the chances of death in asserting liberty, to a certainty of life with slavery.

Congress manifested its wisdom and prudence in embodying the causes of their complaints, and enumerating their unendurable grievances against Great Britain, and the reasons for separation from her, in a form calculated to attract the attention and command the respect of the enlightened men of the age,

and meet the approbation of future generations. To secure this object, on the 11th of June, 1776, Congress appointed a committee, consisting of THOMAS JEFFERSON, of Virginia ; JOHN ADAMS, of Massachusetts ; BENJAMIN FRANKLIN, of Pennsylvania ; ROGER SHERMAN, of Connecticut ; and ROBERT R. LIVINGSTON, of New-York, to prepare the necessary declaration. This was drafted by Mr. JEFFERSON, and presented on the 28th of June, 1776. On the 4th of July, a day ever memorable in the annals of America, this glorious document was adopted by Congress, and finally separated the colonies from Great Britain. It received the signatures of a band of fearless and true-hearted patriots, who staked their lives and fortunes upon the result. Their names should be recorded in letters of gold. They are :

JOHN HANCOCK, of Massachusetts, President.

New-Hampshire :

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay :

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island and Providence Plantations :

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut :

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New-York :

WILLIAM FLOYD,
 PHILIP LIVINGSTON
 FRANCIS LEWIS,
 LEWIS MORRIS.

New-Jersey :

RICHARD STOCKTON,
 JOHN WITHERSPOON,
 FRANCIS HOPKINSON,
 JOHN HART,
 ABRAHAM CLARK.

Pennsylvania :

ROBERT MORRIS,
 BENJAMIN RUSH,
 BENJAMIN FRANKLIN,
 JOHN MORTON,
 GEORGE CLYMER,
 JAMES SMITH,
 GEORGE TAYLOR,
 JAMES WILSON,
 GEORGE ROSS.

Delaware

CÆSAR RODNEY,
 GEORGE READ,
 THOMAS MCKEAN.

Maryland :

SAMUEL CHASE,

WILLIAM PACA,
 THOMAS STONE,
 CHARLES CARROLL of
 Carrollton.

Virginia :

GEORGE WYTHE,
 RICHARD HENRY LEE,
 THOMAS JEFFERSON,
 BENJAMIN HARRISON,
 THOMAS NELSON, Jr.,
 FRANCIS LIGHTFOOT
 LEE,
 CARTER BRAXTON.

North-Carolina :

WILLIAM HOOPER,
 JOSEPH HEWES,
 JOHN PENN.

South-Carolina :

EDWARD RUTLEDGE,
 THOMAS HEYWARD, Jr.,
 THOMAS LYNCH, Jr.,
 ARTHUR MIDDLETON.

Georgia :

BUTTON GWINNETT,
 LYMAN HALL,
 GEORGE WALTON.

The bold act of these fifty-six men will be appreciated and admired as long as the government resulting from it continues to exist. The colonial governments and the people gave their acts a noble approval and firm support.

The Declaration of Independence was at once the tattoo of British power, and the *réveille* of one springing into existence to control the destinies of the western world. It deserves to be recorded in letters of light which darkness can neither eclipse nor obscure, and to be often read by every occupant of American soil for his guidance in public affairs. It is given entire.

"A DECLARATION

BY THE

REPRESENTATIVES OF THE UNITED STATES

OF AMERICA,

IN CONGRESS ASSEMBLED.

"WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires

that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes, and accordingly, all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of

government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world :

“ He has refused his assent to laws the most wholesome and necessary for the public good.

“ He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them.

“ He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only.

“ He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

“ He has dissolved representative houses repeatedly, for opposing with manly firmness his evasions on the rights of the people.

“ He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their

exercise ; the state remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within.

“ He has endeavored to prevent the population of these States ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

“ He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

“ He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

“ He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

“ He has kept among us, in time of peace, standing armies, without the consent of our legislatures.

“ He has affected to render the military independent of, and superior to, the civil power.

“ He has combined, with others, to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

“ For quartering large bodies of armed troops among us :

“ For protecting them, by a mock trial, from

punishment for any murders which they should commit on the inhabitants of these States :

“ For cutting off our trade with all parts of the world :

“ For imposing taxes on us without our consent :

“ For depriving us, in many cases, of the benefits of trial by jury :.

“ For transporting us beyond seas to be tried for pretended offenses :

“ For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

“ For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

“ For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever :

“ He has abdicated government here, by declaring us out of his protection, and waging war against us.

“ He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

“ He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in

the most barbarous ages, and totally unworthy the head of a civilized nation.

“He has constrained our fellow-citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hand.

“He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

“In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

“Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and

hold them, as we hold the rest of mankind, enemies in war—in peace, friends.

“We, therefore, the representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honor.”

CHAPTER II.

STATE GOVERNMENTS DURING THE REVOLUTION.

1. PRIOR to agitations which ended in the Revolution, the colonial governments were organized, and were acting under charters granted by the crown of England. CONNECTICUT received hers in 1662, and continued to act under it to 1818, when her first constitution was adopted.

That issued to RHODE ISLAND (1663) constituted her fundamental law down to 1842, when she formed her present constitution.

SOUTH-CAROLINA adopted her first constitution in 1775, a year before the Declaration of Independence.

NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, AND NORTH-CAROLINA adopted theirs in 1776, in conformity with the recommendation of Congress.

MASSACHUSETTS acted under her charter until she framed her constitution in 1780.

NEW-HAMPSHIRE, declaring herself free from Massachusetts in 1776, established a temporary government, under which she acted until 1784, when she adopted her first constitution.

NEW-YORK declared herself independent of Great

Britain in May, 1776, and adopted a constitution in 1777.

It was under these charters and constitutions that the old thirteen colonies acted until they severally adopted the Articles of Confederation.

2. At the adoption of the Declaration of Independence, each State was supreme within its limits, having no superior to which it was accountable. There was no power which could veto or annul its acts. Each had as ample powers as any European government where not restrained by its own constitutional provisions.

Each was equally interested in the common safety, to secure which it appointed and sent delegates to a general Congress, which acted upon measures intended to promote the interests and secure the common safety of the whole. But this voluntary Congress could only recommend them, but had no power to compel either the States or people to act. But, under the pressure and influence of a common danger, both exerted themselves for a time with energy and efficiency. Hope and fear performed wonders. But, as the war drew its slow length along, zeal began to flag, and voluntary activity began to falter. The recommendations of Congress thus constituted were ineffectual for the purposes of defense and the expulsion of the enemy. To remedy this apparent and damaging evil, Congress, in the second year of independence, agreed upon articles of confederation and perpetual

union between the thirteen States then represented in that body.

These articles were agreed to by Congress on the 15th of November, 1777, and submitted to the several States, and they respectively authorized their representatives in Congress to sign them. This was done by eight States on the 9th of July, 1778, and by three others in the same year. Delaware signed in 1779, and Maryland in 1781.

3. By these articles the States consented to confer upon the confederation certain specified powers deemed essential to the protection of all. They pledged the faith of their constituents to abide by the determinations of the United States, in Congress assembled, on all questions arising under them and within its jurisdiction. The articles of confederation constituted the first local government for all the colonies. It revived hope and inspired confidence at home, and commanded respect abroad, and led to recognition by other countries, and especially by France, which secured final success.

The States retained all power not expressly conferred upon the confederate government by the instrumentality of its creation. They were really sovereign and independent, there being no power above them to direct or control their action or annul what they chose to do. Their claim to own all the land within their limits, not previously granted by authority, treated as competent, was generally exercised, and in which all acquiesced. Their right of

eminent domain—the inherent sovereign power of the legislature to control all the private property in the State for public uses—was recognized and permitted in practice. They also claimed and exercised the exclusive power of taxation. They were substantially as free and independent, having all power whatever, as if no confederacy existed. They thus continued until the adoption of the federal constitution and formation of the new government, when they surrendered many essential powers. Those relinquished are clearly specified in the constitution, and those not relinquished or conferred upon the federal government, are, by express provision, reserved to the States or to the people.

Many of the provisions of the articles of confederation are identical, and others similar to some found in the present constitution, changes being made in them to obviate objections pointed out by experience. Power was dealt out to the confederacy by the States in the most sparing manner, and the final execution of the most important measures depended upon State action. The States were strong and wielding great powers, while the confederacy was weak and dependent.

Our present constitution can not be well understood without a clear and definite knowledge of the articles of confederation. These are given in the body of this work, instead of the appendix, with the hope of their receiving a more attentive consideration. They form a prominent portion of our history,

and should become familiar to all who desire to understand such history and the powers of the federal government.

4 ARTICLES OF CONFEDERATION

AND PERPETUAL UNION BETWEEN THE STATES OF NEW-HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW-YORK, NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CAROLINA, AND GEORGIA.

ARTICLE I.

The style of this confederacy shall be "THE UNITED STATES OF AMERICA."

ARTICLE II.

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III.

The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or

attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ARTICLE IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States of this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several States ; and the people of each State shall have free ingress and egress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively ; provided, that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant ; provided, also, that no imposition, duties, or restrictions shall be laid by any State on the property of the United States, or either of them.

If any person, guilty of or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon the demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V.

For the more convenient management of the general interest of the United States, delegates shall be annually appointed, in such manner as the legislature of each shall direct, to meet in Congress, on the first Monday in November in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven, members ; and no person shall be capable of being a delegate for more than three years in any term of six years ; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in any meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress ; and the members of Con-

gress shall be protected in their persons from arrest and imprisonment during the time of their going to and from, in attendance on, Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.

No State, without the consent of the United States, in Congress assembled, shall send any embassy, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state; nor shall any person, holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulation in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France or Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State, or its trade ; nor shall any body of forces be kept up in any State, in time of peace, except such number only as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State ; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, or the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted ; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled,

unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ARTICLE VII.

When land forces are raised by any State for the common defense, all officers of or under the rank of colonel shall be appointed by the legislature of each State, respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII.

All charges of war, and other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of the common treasury, which shall be supplied by the several States, in proportion to the value of all lands within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States,

within the time agreed upon by the United States, in Congress assembled.

ARTICLE IX.

The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances ; provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subject to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever ; of establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated ; of granting letters of marque and reprisal in times of peace ; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures ; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary,

jurisdiction, or any other cause whatever ; which authority shall always be exercised in the manner following : whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to a court for hearing and determining the matter in question ; but if they can not agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen ; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination ; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall adjudge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of

Congress shall strike in behalf of such party absent or refusing ; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive ; and if any of the parties shall refuse to submit to the authority of such court, or to appear and defend their claim or cause, the court shall, nevertheless, proceed to pronounce sentence or judgment, which shall in like manner be final and decisive ; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned ; provided that every commissioner before he sits in judgment shall take an oath, to be administered by one of the judges of the Supreme or Superior Court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward ;" provided also that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in

the same manner as is before described for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power for regulating the alloy and value of coin struck by their own authority, or by that of the respective States ; fixing the standard of weights and measures throughout the United States ; regulating the trade, and managing all the affairs with the Indians, not members of any of the States ; provided that the legislative right of any State, within its own limits, be not infringed or violated ; establishing or regulating post-offices, from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States ; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State ; and to appoint such other committees and civil officers as may be necessary for

managing the general affairs of the United States under their direction ; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree on the number of land forces, and to make requisitions from each State for its quota in proportion to the number of white inhabitants in such State ; which requisitions shall be binding ; and thereupon the legislature of each State shall appoint the regimental officers, raise the men, clothe, arm, and equip them in a soldier-like manner, at the expense of the United States ; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled. But if the United States, in Congress assembled, shall, on consideration of the circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same

manner as the quota of such State, unless the legislature of such State shall judge that such extra number can not be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared ; and the officers and men, so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same ; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than

the space of six months, and shall publish a journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate ; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ARTICLE X.

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with ; provided, that no power be delegated to the said committee for the exercise of which, by the articles of confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union ; but no other colony shall be admitted

into the same, unless such admission be agreed to by nine States.

ARTICLE XII.

All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for the payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual ; nor shall any alteration at any time hereafter be made in any of them ; unless such alteration be agreed to in a Congress of the United States, and be afterward confirmed by the legislatures of every State.

And whereas, it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify, the said articles of confederation and perpetual union. Know ye, that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these pre-

sents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the States we respectively represent, and that the union shall be perpetual.

In witness whereof, we have hereunto set our hands in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the independence of America.

CHAPTER III.

THE CONFEDERATION.

1. THE high hopes and expectations excited by the adoption of the articles of the confederation resulted in disappointment. The common danger which had united the States, producing harmonious action in favor of the general good, had passed away with the war. These articles, the necessary offspring of the times which produced them, failed to secure many of the great objects necessary to the welfare of those included in the organization formed under them. The inviting theories they contained proved failures in practice. These articles constituted a league of friendship for the common defense, the security of liberty and the general welfare. By them the States bound themselves to assist each other against all force offered or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

But their want of adaptation to a state of war had been clearly demonstrated, while their inefficiency in time of peace was strikingly apparent. With many wise provisions, and some better than those in our present constitution, they contained others that rendered the whole ineffectual in practice.

Each State was authorized to appoint annually two, and not more than seven, delegates to Congress, to be maintained by the States appointing them ; who were to vote by States, each State having one vote, thus placing the large and small States upon an equal footing. The States were prohibited from engaging in war or entering into treaties, or keeping vessels of war or troops, except in time of actual war, without the consent of Congress.

The confederation had the exclusive right to determine on peace and war ; of sending and receiving ambassadors ; of entering into treaties and alliances ; of establishing rules for deciding cases of captures on land and water ; and of granting of letters of marque and reprisal ; and might determine disputes concerning boundaries, jurisdictions, and other cases between States. The eighth article contains the elements of the weakness of the whole and want of means to accomplish the objects designed by the framers of the articles of confederation. The presence of a common danger had given the whole an efficiency during the war, which was wanting when such danger was removed. In a state of peace, dangers were not apprehended, and the anxieties of the people were centred upon other objects of more immediate interest.

The eighth article was one of the highest importance. It provided that all charges of war, and all other expenses which should be incurred for the common defense and general welfare, which should

be allowed by Congress, should be defrayed out of the common treasury. This was to be supplied by the several States, in proportion to the value of all the land within each State granted or surveyed for any person, as such land and the buildings and improvements thereon should be estimated, in such mode as Congress should direct. But the taxes for paying such proportion were to be laid and levied by the authority and direction of the legislatures of the several States, within such time as Congress should direct. Congress performed its duty by directing the collection of taxes, but the States seldom fulfilled theirs in levying them. The pressure of necessity was not felt by them. Their delays often produced great and ruinous disappointments, and it not unfrequently happened that the authorized calls of Congress were utterly neglected. While the States failed to perform their imperative duties, the confederate government could not meet its engagements to others, or enter into new ones, expecting to fulfill them. It proved to be weak and inefficient, because it could not compel the States to act and perform their duties.

2. A practical observer of those days said, "By this political compact, the United States Congress have the exclusive power for the following purposes, without being able to execute one of them: They may make and conclude treaties; but they can only recommend the observance of them. They may appoint ambassadors; but they can not even defray the

expenses of their tables. They may borrow money in their own name, on the faith of the Union ; but they can not pay a dollar. They may coin money ; but they can not purchase an ounce of bullion. They may make war and determine what number of troops are necessary ; but they can not raise a single soldier. In short, they may declare every thing, but can do nothing."

General WASHINGTON said, "In a word, the confederation appears to me to be little more than a shadow without the substance ; and Congress a nugatory body, their ordinances being little attended to."

Chief-Justice MARSHALL said, "If in theory the treaties formed by Congress were obligatory, yet it had been demonstrated that in practice that body was absolutely unable to carry them into execution."

There was "an utter want of all coercive authority to carry into effect its own constitutional measures." This was sufficient to destroy its efficiency as a superintending government, and reduce its action to mere recommendation.

MARSHALL further observes that "a government authorized to declare war, but relying upon independent States to prosecute it ; capable of contracting debts and of pledging the public faith for their payment, but depending upon thirteen distinct sovereignties for the preservation of that faith, could only be rescued from ignominy and contempt by finding those sovereignties administered by men ex-

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empt from the passions incident to human nature."

Honest and enlightened men differed in opinions, and the policy which was applauded by some was condemned by others. Although Congress might make requisitions for men and money, it had no authority to act upon either, but had to rely upon thirteen distinct States to effectuate their recommendations. The delinquencies of the States had, step by step, increased until they arrested the wheels of government, and brought them to an awful stand. Congress hardly had the means of keeping up the forms of administration, while it had no power to give a sanction to its laws or punish disobedience. It might order men and money to be raised, but could not enforce such order. It could borrow money, but could not collect to pay either principal or interest. The forms of an excellent national government had been carefully defined, but the necessary substantive powers to give it efficiency and secure success were wanting, as eight years' experience had clearly proved.

3. The confederation, although appearing to the theorist quite perfect, and admirably adapted to the circumstances of the United States, in practice, for want of certain substantive powers, proved a failure. The active agency of a common danger, which had been the great impelling power to prompt and energetic action, ceased to exist, and no substitute had been provided to supply its place. The articles of

confederation contained no provision equal to the public exigency, nor did the patriotism of the people furnish it. The observing men of the times found the confederacy dying from inherent imbecility and weakness.

Substantial changes in form and powers of the confederate government became a necessity in which the people eventually acquiesced. In the proposed changes, many patriotic and able men believed they saw deep and impending dangers, and the probable crippling, if not the substantial annihilation, of the powers and independence of the States, and the eventual change, in substance, if not in form, of the national government. How far their fears were well founded can only be learned by careful study of our history.

CHAPTER IV.

THE FORMATION OF THE FEDERAL CONSTITUTION.

1. THE common mind keenly felt the want of success of the confederation under the promising articles establishing it. Each State had attained full power over its matters of revenue, and was substantially independent in matters of commerce. Each of these powers was used to promote State interests, and often at the expense of sister States. No tribunal had been provided for the settlement of these and many other difficulties which arose. Each State sought to protect itself and secure its own rights, privileges, and immunities, while it left the confederate authority to crumble into ruins. So powerless was it, that in 1784, one year after the close of the war, the returns showed the whole army of the United States was reduced to eighty persons. The statesmen of the day saw and appreciated the difficulties by which they were surrounded, and understood the sources from which they emanated.

New-York, as early as 1782, brought to the consideration of the American people the evils resulting from the defects in the articles of confederation, and

pointed out the steps which would lead to a suitable remedy. Her Legislature, under the auspices of George Clinton, then Governor, resolved, "That it is essential to the common welfare that there should be, as soon as possible, a conference on the whole subject, [the powers of the confederacy,] and that it would be advisable for this purpose to propose to Congress to recommend to each State to adopt the measure of assembling a general convention of the States specially authorized to revise and amend the confederation, reserving a right to the respective legislatures to ratify their determinations."

This was the first State action upon the subject of rendering the confederation more perfect. Early in the year 1783, Congress passed resolutions recommending to the several States to invest the Congress with certain specified powers for raising revenue to restore and maintain the public credit. These were transmitted to the several States with an address prepared by Mr. MADISON, chairman of a committee of which ELLSWORTH and HAMILTON were members, which was one of the ablest state papers of those times.

2. In 1784, Congress declared that, "unless the United States, in Congress assembled, shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade ; and without these, our foreign commerce must decline, and eventually be annihilated." It was then proposed to confer special powers upon

Congress for fifteen years. But this was not agreed to by the necessary number of States.

In 1785, the subject of conferring upon the United States the power of regulating trade was before Congress, on a report prepared by JAMES MONROE, which proposed a permanent change in the articles of confederation, giving full power to Congress to regulate trade, and thereby raise the revenue necessary to carry on the operations of the government. But these proceedings did not result in conferring the powers deemed essential to the existence of the confederate government.

3. On the 15th of February, 1786, the same subject was again before Congress, on the report of a committee, of which RUFUS KING was chairman, which concluded as follows :

“ Thus circumstanced, after the most solemn deliberation, and under the fullest conviction that the public embarrassments are such as above represented, and that they are daily increasing, the committee are of opinion that it has become the duty of Congress to declare, most explicitly, that the crisis has arrived when the people of these United States, by whose will and for whose benefit the federal government was instituted, must decide whether they will support their rank as a nation, by maintaining the public faith at home and abroad, or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the confederacy, they will hazard not only the existence of the

Union, but of those great and invaluable privileges for which they have so arduously and honorably contended."

This report was adopted, and by resolutions the subject of raising revenue was again communicated to the several States. Under these proceedings in Congress, the States, at different times, took various and inharmonious action. On the 3d of March, 1786, the subject was again before Congress, and further recommendation made by that body in favor of action by the States. On the 23d of October of the same year, Congress had before it the subject of the action of the States upon its recommendations, and again solicited united action. But nothing was accomplished by these various proceedings except to arouse public attention to the necessity of making, at an early day, such changes as would secure the revenue necessary for the exigencies of the government. The public mind was deeply impressed with the necessity of promptly adopting measures to remedy existing evils.

4. In 1786, several States made recommendations similar to those adopted by New-York in 1782, which resulted in the appointment of delegates from New-York, New-Jersey, Pennsylvania, Delaware, and Virginia, who met at Annapolis on the 11th of September, 1786, to consider and recommend such changes in the articles of confederation as ought to be made. But five of the thirteen States were represented. Those present recommended the call of a

general convention of delegates from each of the States, to meet at Philadelphia on the second Monday of the following May, clothed with ample powers to adopt and recommend to the consideration of Congress and the States provisions adequate to the exigencies of the Union. The proceedings of this meeting were communicated to Congress.

On the 21st of February, 1787, Congress proceeded to consider the subject, when the following resolutions were adopted :

5. "*Whereas*, There is provision in the articles of confederation and perpetual union for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several States ; and *whereas*, experience hath evinced that there are defects in the present confederation, as a means to remedy which several of the States, and particularly the State of New-York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution ; and such convention appearing to be the most probable means of establishing in these States a firm national government :

"*Resolved*, That, in the opinion of Congress, it is expedient that on the second Monday in May next a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several legislatures such alterations

and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the federal constitution adequate to the exigencies of government and the preservation of the Union."

6. In pursuance of this resolution delegates were elected by the several States, and convened at Philadelphia on the 14th of May, 1787. GEORGE WASHINGTON was elected President. Six of the signers of the Declaration of Independence, to wit, ROGER SHERMAN, BENJAMIN FRANKLIN, ROBERT MORRIS, GEORGE CLYMER, JAMES WILSON, and GEORGE READ, appeared as delegates and took part in its proceedings. The convention completed its labors on the 17th of September, 1787, and reported the constitution agreed upon to Congress. That body approved the constitution which had been prepared, and recommended it to the favorable consideration of the several States, who, after severe contests, adopted it. Several of them accompanied their approval with recommendations of amendments designed to avoid misconstruction, and others to limit the powers which might otherwise be claimed by the new government under the constitution.

The convention encountered, in framing the constitution, many difficulties growing out of diversity of soil, climate, and pursuits. These occasioned local and distinct interests difficult to reconcile or harmonize. Some delegates favored a strong government, and others, one with limited authority, reserving to the States the great mass of powers.

Some desired a splendid, and others a plain government. Some sought to diminish State powers to a very considerable extent, and others preferred their retaining most of those they then possessed, conferring upon the confederacy only such as were absolutely necessary for carrying on the confederation. Some desired a president and senate for life, and others wished to confine both to short periods of service. Many feared that the language used in the constitution might be so construed as to change the meaning of the instrument, and, in practice, the form of the government. Some feared that the powers reserved to the States were too numerous and broad, and might eventually cripple the federal government; others were apprehensive that the new government might eventually deprive the States of their essential powers and reduce them to utter insignificance. These and similar subjects formed the staple of contests in the States on the question of the adoption of the constitution.

7. Under that instrument, as originally framed, powers larger than those now deemed authorized could have been claimed with plausibility, though not upon good ground. In the proceedings on its adoption in New-York, Virginia, and Massachusetts, these States demanded the speedy ratification of sundry amendments which would more clearly define and limit the powers of the federal government. These were made soon after its adoption, and constitute the first ten of the amendments found in the constitution. Under

the government thus established, we have become a rich and powerful people, and, until recently, a contented and happy community of States.

We propose now to give an account of the powers, duties, and restrictions contained in the constitution, the officers created under it, and a sketch of their duties.

CHAPTER V.

THE GOVERNMENT OF THE UNITED STATES.

UNDER the federal constitution the national government is composed of three distinct and independent departments :

THE LEGISLATIVE,
THE JUDICIAL, and
EXECUTIVE.

The legislative branch enacts laws, the judicial construes and determines their meaning, and the executive department executes them.

The legislative branch consists of the SENATE and HOUSE OF REPRESENTATIVES, with a qualified and limited veto by the President. The judicial is composed of a SUPREME COURT, and such inferior courts as Congress may prescribe. The executive department consists of the PRESIDENT, the heads of departments and bureaus and civil officials under them, ministers and consuls abroad, together with those of the army and navy—all being under the general control of the President by express provisions of the constitution. The functions of each, where not defined or specified in that instrument, are prescribed by statute. The true meaning of this fundamental charter

is determined by referring to our own history, customs, and usages, and those of the mother country, where many of its leading provisions had been the subject of much discussion, and often of vigorous if not violent action.

The powers conferred, and the limitations imposed, were measured and determined by words and phrases then in common use, and which were well understood in both countries ; and were carefully recorded by the convention which framed the constitution, and which was approved by the people and by them adopted. The sense in which they were then used, and not that assigned by subsequent changes of language, must control and determine their true meaning in all departments of the government.

CHAPTER VI.

THE LEGISLATIVE DEPARTMENT.

THIS department is composed of two distinct bodies, elected in different manners and for unequal periods. They are required to assemble once in each year, and, unless a different day is appointed, on the first Monday of December.

Neither can adjourn for more than three days without the consent of the other, nor to any place other than that in which they shall be sitting.

Each house judges the election returns and qualifications of its own members.

One fifth of the members present in each can demand the yeas and nays upon any question before it, and the decision must be recorded in its journal.

Each house determines the rules of its proceedings, may punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each keeps a journal of its proceedings, and is required to publish the same, excepting such parts as may, in their judgment, require secrecy.

The members of each house receive a compensation fixed by law. It is now five thousand dollars

per annum, and twenty cents per mile for travel. The Speaker receives a salary of eight thousand a year.

The Vice-President, who presides over the Senate, receives eight thousand dollars per annum.

CHAPTER VII.

I. THE SENATE.

THIS body is composed of two senators from each State, chosen by the legislatures thereof, for six years, each senator having one vote.

In the Senate, the smallest State, with but one member in the House, has the same power and vote as the largest, having thirty-one.

No person can be a senator who is under thirty years of age, and who has not been a citizen of the United States for nine years, and who is not, when elected, a citizen of the State for which he is chosen.

When vacancies happen during the recess of the legislature, the executive of the State may make temporary appointments until its next meeting. If the legislature does not then fill it, the vacancy will continue until it does so. The power of the State executive, having been once exercised, ceases to exist.

2. The Senate chooses its own officers, and a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President.

The Senate has sole power to try impeachments, and when sitting for that purpose, is under oath, like courts and juries. No conviction can be had without the concurrence of two thirds of the senators present. When the President is tried, the Chief-Justice of the Supreme Court presides. The proceedings are judicial, and not legislative or political.

It requires the concurrence of two thirds of the senators present to authorize the President to make a treaty.

The advice and consent of the Senate is necessary for the appointment of ambassadors, other public ministers and consuls, judges of the Supreme Court, surveyors, naval officers and collectors of the customs, marshals, district-attorneys, Indian agents, receivers and registers of land-offices, surveyors generals, postmasters whose income is over a thousand dollars, the heads of departments and bureaus, and officers of the army and navy, and many others. Temporary appointments made during the recess of the Senate may continue until the end of their next session without such advice and consent.

The Senate may propose amendments in a bill for raising revenue, or concur in them; but it can not originate any such bill.

3. Sealed lists of the votes for President and Vice-President are transmitted by each State to the president of the Senate, which he opens in the presence

of the Senate and House of Representatives, and counts the votes, without the advice or control of either house. The person having the largest number, if a majority, he declares elected. If no one has such majority, he so declares to the House of Representatives. If no one has a majority of votes for vice-president, he communicates that fact to the Senate.

In ordinary legislative matters, except as above mentioned, the powers and duties of the Senate are the same as those of the House. They are legislative and advisory, and not executive or judicial.

The Senate elects a secretary to record its proceedings, a sergeant-at-arms to attend there and arrest offenders, and a door-keeper to guard the entrance to the Senate chamber.

When the President returns a bill without approval to the house in which it originated, accompanied with his objections, called a veto, they are to be entered at large upon the journal. If, on reconsideration, two thirds of each house, voting by yeas and nays, agree to pass the same, it becomes a law, notwithstanding such veto ; otherwise, not.

Every order, resolution, or vote, which requires the action of both houses, (except the question of adjournment,) must be presented to and receive the approval of the President, or be passed over his veto, before it can take effect, the same as in case of a bill. It has been held by Congress that this does

not extend to resolutions concerning the amendment of the federal constitution, which are to be submitted to and acted upon by the legislatures of the respective States ; but upon what ground such an important exception can be made does not appear in the language of the constitution.

CHAPTER VIII

THE HOUSE OF REPRESENTATIVES.

THE House of Representatives is composed of members chosen every second year by the people of the several States, by the votes of those competent to elect members to the most numerous branch of the legislature.

No person can serve as such who is not a citizen and an inhabitant of the State in which he is chosen, and have attained the age of twenty-five years.

When vacancies occur in the representation from a State, the executive authority thereof is authorized to issue writs of election to fill them.

The House chooses its own speaker, clerk, sergeant-at-arms, door-keeper, and other officers; and has the sole power of impeachment.

It has the exclusive power of originating bills for raising revenue.

CHAPTER IX.

I. EXPRESS LEGISLATIVE POWERS OF CONGRESS.

THEY are, To lay and collect taxes, duties, imposts, and excises ; to pay the debts and provide for the common defense and general welfare of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States ;

To borrow money on the credit of the United States ;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes ;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States ;

To coin money and regulate the value thereof, and of foreign coin, and fix the standard of weights and measures ;

To provide for the punishment of counterfeiting the securities and current coin of the United States ;

To establish post-offices and post-roads ;

To promote the progress of science and useful arts, by securing for limited times, to authors and

inventors, the exclusive right to their respective writings and discoveries ;

To constitute tribunals inferior to the Supreme Court ;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations ;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water ;

To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years ;

To provide and maintain a navy ;

To make rules for the government and regulation of the land and naval forces ;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions ;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of

the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States ; and nothing in this constitution shall be so construed as to prejudice the claims of the United States, or of any particular State.

2. New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the lifetime of the person attainted.

Congress may by general laws prescribe the manner in which the public acts, records, and judicial proceedings of one State shall be proved to have full faith and credit given them in every other State.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this consti-

tution in the government of the United States, or any department or officer thereof.

3. It is under this last paragraph, conferring indefinite powers, that most of the controversies concerning the authority and duties of Congress arise. The question, What powers are necessary and proper to carry into effect the enumerated express powers? has ever been one of unyielding dispute. The leading questions upon which political parties have been formed in this country can be traced to this paragraph as its true source. Had it not been inserted in the constitution, they would, however, have arisen under the implied powers necessarily resulting from those expressly conferred. The object and intent with which powers are conferred upon Congress, and their extent and manner of exercise, ever have been, and will continue to be, matters of controversy, and upon which the people have been and will be divided, thus forming and continuing political parties. On one side, strict construction, to the exclusion of all doubtful powers, is insisted upon; and on the other, one allowing the largest latitude is claimed.

CHAPTER X.

RESTRICTIONS UPON THE POWER OF CONGRESS.

THE privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex-post facto* law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration directed by the constitution to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, or clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States.

Congress can make no law respecting an establishment of religion, or prohibiting the exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble and petition the government for redress of grievances.

CHAPTER XI.

I. LIMITATIONS AND RESTRICTIONS UPON ALL DEPARTMENTS OF THE GOVERNMENT.

A WELL-REGULATED militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated ; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons and things to be seized.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger ; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb ; nor shall

he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without due process of law ; nor shall private property be taken for public use without just compensation.

2. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of the common law.

3. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

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The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by the citizens of another State, or by citizens or subjects of any foreign State.

CHAPTER XII.

RESTRICTIONS UPON GOVERNMENT OFFICIALS.

No person holding an office of profit or trust under the United States shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state.

CHAPTER XIII.

RESTRICTIONS UPON STATES.

No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex-post facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

No senator, or representative, or person holding an office of trust or profit under the United States shall be appointed an elector.

CHAPTER XIV.

MANDATORY PROVISIONS BINDING UPON THE STATES.

FULL faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Persons charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority from which they fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such labor or service may be due.

CHAPTER XV.

GUARANTEES BY THE UNITED STATES.

THE United States guarantee to every State in the union a republican form of government, and shall protect them against invasion, and, on application of the legislature, or of the executive, (when the legislature can not be convened,) against domestic violence.

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

Debts contracted and engagements entered into before the adoption of the constitution are as valid against the United States as they were against the confederation which preceded the present government.

No religious test shall ever be required as a qualification to any office or public trust under the United States.

CHAPTER XVI.

SUPREMACY OF FEDERAL LAWS.

IN creating a confederate government which should harmonize with those of the States, it was seen that there was great danger of conflicting legislation. To avoid its possible occurrence, the constitution makes provision to guard against it by giving supremacy to authorized acts under it. It declares :

This constitution and the laws of the United States which shall be made in pursuance thereof ; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

This leaves open only the often difficult question, whether laws are really made in "pursuance of the constitution," concerning which the widest differences exist.

CHAPTER XVII.

NATURALIZATION.

THE framers of our constitution judged of our future from the realizations of the past. America had been settled from the mobile masses of Europe. Instead of obstructing emigration, as the British crown had done, they provided inducements for its increase by authorizing Congress,

To establish a uniform rule of naturalization.

This confers upon Congress power to invest aliens with the rights and privileges of a native-born citizen, where not otherwise provided in the constitution. The length of residence before naturalization can be completed has not been uniform, having varied from two to fourteen years.

It is now five years. A declaration of an intention to become naturalized must be filed in the county clerk's office, or with the clerk of a federal court, for two years before completing the proceedings. The applicant then proves by two citizens his good character and fidelity to the principles of our constitution, and under oath renounces all allegiance to every foreign sovereignty. He then becomes a citizen and receives from the court a certificate as evidence of

that fact. He is then entitled to all the rights and privileges of an American citizen, except he can not become president or vice-president, nor a senator in Congress until he has been nine years a citizen, nor a representative until he has been a citizen seven years.

CHAPTER XVIII.

OFFICIAL OATHS OF STATE AND UNITED STATES OFFICERS.

UNITED STATES senators and representatives, and members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support the constitution of the United States.

Special oaths are provided by the constitution for the president, and by law for the justices of the Supreme Court, which will be found under the proper heads.

CHAPTER XIX.

PRIVILEGES AND DISABILITY OF MEMBERS OF CONGRESS.

PUNCTUAL attendance of senators and members of the House is essential to prompt dispatch of their duties. At the time the constitution was framed, imprisonment for debt prevailed in all the States, and if debtors, members could be detained by creditors from attendance. Hence it was provided that they should in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same.

In order to secure perfect freedom of debate, and to avoid libel and slander suits, it was provided that they should not be questioned in any other place for any speech or debate in either house.

With the view of avoiding selfish influences, it was provided that no senator or representative should, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which should have been created, or the emoluments whereof should have been increased during such time.

CHAPTER XX.

QUALIFICATIONS AND RESTRICTIONS CONCERNING OFFICE-HOLDING.

It was a high object in preparing the constitution to secure the proper qualifications for the principal agencies under it. Hence it was provided that

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the constitution, should be eligible to the office of President, nor should any person be eligible to that office who has not attained to the age of thirty-five years, and been fourteen years a resident within the United States.

No person constitutionally ineligible to the office of President is eligible to that of Vice-President of the United States.

The electors for President and Vice-President are required to vote for persons, one of whom shall not be an inhabitant of the same State with themselves.

The effect of this is to require the President and Vice-President to be inhabitants of different States.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall

not, when elected, be an inhabitant of the State for which he shall be chosen.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

No person holding any office under the United States shall be a member of either House during his continuance in office.

No person holding any office of profit or trust under the United States shall, without the consent of Congress, accept any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state.

CHAPTER XXI.

I. POWERS AND DUTIES OF THE JUDICIAL DEPARTMENT.

THE judicial power of the United States is vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish.

The judges, both of the Supreme and inferior courts, hold their offices during good behavior, and at stated times receive for their services a compensation which can not be diminished during their continuance in office.

The judicial power extends to all cases in law and equity arising under the constitution, the laws of the United States, and treaties made or which shall be made under their authority ; to all cases affecting ambassadors, or other public ministers and consuls ; to all cases of admiralty and maritime jurisdiction, (relating to business and occurrences at sea ;) to controversies to which the United States shall be a party ; to controversies between two or more States ; between a State and citizens of another State ; between citizens of different States ; between citizens of the same State claiming lands under grants of different

States ; and between a State, or citizens or subjects thereof and foreign states, citizens, or subjects.

2. The eleventh amendment prohibits these courts entertaining jurisdiction where a State is prosecuted by citizens of another State, or by citizens or subjects of a foreign state.

In all cases affecting ambassadors, or other public ministers and consuls, and those in which a State shall be a party, the Supreme Court has original jurisdiction.

In all other cases before mentioned, the Supreme Court has appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make.

The appellate jurisdiction above provided as to matters of fact is in part taken away by the seventh amendment, which provides that "no fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of the common law," which does not authorize courts to revise the verdicts of juries.

3. The trial of all crimes, except in cases of impeachment, is by jury ; and such trial must be held in the State where the said crimes have been committed ; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No

person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

This provision prohibits Congress from following the English precedents in cases of assumed treason, where it was common for Parliament to declare the accused guilty, his estate forfeited to the crown, and his blood corrupted, so that he could neither receive nor transmit property by inheritance.

Under these provisions a Supreme Court has been established which holds its annual sessions at the Capitol, in the city of Washington, D. C., on the first Monday in December. Also, Circuit and District Courts, of which a full account will be given in another place.

CHAPTER XXII.

I. PERSONAL RIGHTS OF INDIVIDUALS.

THE trial of all crimes, except in cases of impeachment, must be by jury, and held in the State where committed ; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The right of the people to keep and bear arms shall not be infringed.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war, but in a manner prescribed by law.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger.

2. Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb ;

Nor shall he be compelled, in any criminal case, to be a witness against himself ;

Nor be deprived of life, liberty, or property without due process of law ;

Nor shall private property be taken for public use without just compensation.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law ;

3. And to be informed of the nature and cause of the accusation ;

To be confronted with the witness against him ;
to have compulsory process for obtaining witnesses in his favor ;

And to have the assistance of counsel for his defense.

Excessive bail shall not be required ;

Nor excessive fines imposed ;

Nor cruel and unusual punishments inflicted.

No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

4. The foregoing constitute the outlines of the constitution, conferring power upon the legislative department of the federal government. At the same time it imposes limitations and restraints upon it

and the other departments, and upon the State governments. It guarantees the rights and privileges of the States and individuals.

Under this constitution we now have thirty-seven States, twenty-four of them having been admitted since its adoption, namely: MAINE, NEW-HAMPSHIRE, MASSACHUSETTS, CONNECTICUT, RHODE ISLAND, VERMONT, NEW-YORK, NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CAROLINA, GEORGIA, KENTUCKY, TENNESSEE, OHIO, INDIANA, ILLINOIS, ALABAMA, MISSISSIPPI, LOUISIANA, MISSOURI, FLORIDA, TEXAS, ARKANSAS, MICHIGAN, IOWA, MINNESOTA, WISCONSIN, CALIFORNIA, OREGON, KANSAS, NEBRASKA, NEVADA, and WEST-VIRGINIA.

CHAPTER XXIII.

I. OFFICERS OF THE FEDERAL GOVERNMENT.

THE constitution, most of which we have heretofore given, declares the mode of electing the legislative department of the government, and defines its powers and duties, and imposes limitations, independent of all statutory provision.

It confers and defines those in the judicial department in many essential particulars, but leaves much to the consideration and action of the legislative branch.

It also confers powers and imposes duties upon the executive, and prescribes limitations.

The number of officers constituting the federal government, their duties, not expressed in the constitution, compensation, and duration of their terms of service, are mostly prescribed by statutes. At the hazard of some repetition, the constitutional and statute duties of the different departments and officers will be so far given, under the name of each, as to enable the reader to acquire a general knowledge of both. These will be stated with all possible accuracy, without encumbering this work with quotations or references, or extending its size by

illustrations or minor details. The powers and duties of the different branches of the government, as well as those of the different officers constituting it, will be separately given.

2. CONGRESS COLLECTIVELY.

The legislature consists of senators and members of the House of Representatives, collectively called Congress. The constitution prescribes their mode of election, powers, and duties, and the limitations upon their authority. There are few statutes in relation to either. The members of both houses are forbidden to become interested in contracts with or claims upon the government. They are prohibited from practicing in the Court of Claims, and prosecuting claims before the departments. They enjoy the franking privilege. The members of both houses receive the same compensation—a salary of \$5000, and twenty cents a mile for travel in going to and returning from a meeting of Congress.

It has been determined that senators and members of the house are not civil officers of the United States, so as to be impeachable, they being officers or representatives of the States and people.

CHAPTER XXIV.

I. THE SENATE OF THE UNITED STATES.

THE Senate (signifying an assembly of elders) is the highest American legislative body. But, except in trying impeachments, ratifying treaties, and consenting to appointments by the President, and electing a Vice-President, when the electors fail to do so, it has no constitutional powers which are not also conferred upon the House of Representatives. It has its own modes of proceeding. From its organization on the 4th of March, 1789, until the December session, in 1795, except during the discussion, in February of that year, of the right of Albert Gallatin to a seat in that body, when it was insisted he was an alien and ineligible, the sessions of the Senate were with closed doors. During that period there are no records of the debates, or any proceedings, except the brief memoranda of votes and resolutions, and amendments to bills, found in its journals and in the annals of Congress. Up to the present time, its sessions, when considering treaties and nominations, are with closed doors.

On important occasions, such as considering a declaration of war, where the public interests require

secrecy, the galleries and lobbies are cleared, and the doors locked. The broadest publicity is now given to all other legislative proceedings, and to some considerable extent at the expense of the treasury. The proceedings of both houses are carefully and pretty accurately preserved in a paper published at Washington under their patronage, called the *Congressional Globe*, which is largely purchased by the government, and distributed by senators and members.

OFFICERS OF THE SENATE.

THE VICE-PRESIDENT.

The constitution provides that the Vice-President shall be President of the Senate. This is his only duty, except when there is a vacancy in the office of president, when the duties of that office devolve upon him. The conditions of eligibility are the same as required of the President. He is elected in the same manner as the President when the electors make the choice. But when no one receives a majority of all the votes given, he is elected by the Senate from the two highest on the list. For the purpose of such an election, it requires two thirds of the whole number of senators to form a quorum, a majority of whom can elect. He takes an oath to support the constitution and perform the duties of his office, which may be taken before any officer compe-

tent to administer oaths. When he becomes President, by reason of a vacancy in that office, he ceases to be the presiding officer of the Senate.

His duties as presiding officer require him to receive the certificates of votes cast for President and Vice-President, and to open and count them in the presence of both houses of Congress, and to declare the result of the election. If no person has been elected, he notifies the House of Representatives, and informs it who are the three highest on the list from which it is to elect a president, and reports to the Senate the two highest from whom it is to elect a vice-president.

He receives all communications addressed to the Senate from the President, the House of Representatives, or any person applying to the Senate for any purpose, preserves order in the Senate chamber and galleries, and determines all questions of order in debate.

He also directs the order of business, and gives the casting vote when the Senate are equally divided.

He authenticates by his signature all bills and resolutions passing the Senate, which are to be sent to the President or House.

When so directed by the Senate, he appoints the standing and other committees.

2. He does not participate in the debates in the Senate, except to assign his reasons for his opinions and decisions.

He certifies the accounts of the officer disbursing the Senate's contingent fund.

In matters of etiquette, his place is next to the President.

He has the franking privilege.

His salary is eight thousand dollars.

3. VICE-PRESIDENTS.

The following persons have been Vice-Presidents :

John Adams, of Massachusetts, was the first Vice-President, elected in 1788, and reelected in 1792. He served as such throughout Washington's administration.

Thomas Jefferson, of Virginia, was elected in 1796, took the oath of office March 4th, 1797, and served four years, while Mr. Adams was President.

Aaron Burr became Vice-President, when the House of Representatives elected Mr. Jefferson as President, as being the highest remaining on the list, was sworn in on the 4th of March, 1801, and served four years, during Mr. Jefferson's first term.

George Clinton, of New-York, was elected Vice-President in 1804, took the oath of office March 4th, 1805, was reelected in 1808, qualified on the 4th of March, 1809, and died April 20th, 1812, before the end of his second term in office. He served through Mr. Jefferson's last and Mr. Madison's first presidential terms.

Elbridge Gerry, of Massachusetts, was elected Vice-President in 1812; was sworn in March 4th,

1813, and served four years, during Mr. Madison's last term.

Daniel D. Tompkins, of New-York, was elected Vice-President in 1816, on the Monroe ticket, took the oath of office on the 4th of March, 1817; was reëlected in 1820, serving during both of Mr. Monroe's presidential terms.

John C. Calhoun, of South-Carolina, was elected Vice-President in 1824, took the oath of office on the 4th of March, 1825, served through Mr. J. Q. Adams's administration; was reëlected in 1828, and served until the 28th of December, 1832, when he resigned.

Martin Van Buren, of New-York, was elected Vice President in 1832, on the Jackson ticket, took the usual oath March 4th, 1833, and served during the last four years of Jackson's administration.

Richard M. Johnson, of Kentucky, was a candidate on the ticket with Mr. Van Buren in 1836, but lacked one vote of a majority; there being no election by the electors, he was elected by the Senate on the second Wednesday in February, 1837, took the oath of office on the 4th of March, 1837, and served four years, during President Van Buren's term.

John Tyler, of Virginia, was elected Vice-President in 1840, and took the oath of office March 4th, 1841, and served until the 4th of April, when, on the death of Mr. Harrison, he became, under the constitution, President.

George M. Dallas, of Pennsylvania, was elected Vice-President in 1844, and took the oath of office March 4th, 1845, and served through President Polk's term of office.

Millard Fillmore, of New-York, was elected Vice-President in 1848, qualified on the 4th of March, 1849, and served until the 9th of July, 1850, when, on the death of President Taylor, he became President of the United States.

William R. King, of Alabama, was elected Vice-President in 1853. Being in the island of Cuba for his health, under a special act he there took the usual oath before the American Consul-General at Havana. Returning home, he died on the 18th of April, 1853, without, in fact, entering upon his duties as Vice-President.

John C. Breckinridge, of Kentucky, was elected Vice-President in 1856, took the oath of office March 4th, 1857, and served throughout Mr. Buchanan's term of four years.

Hannibal Hamlin, of Maine, was elected Vice-President in 1860; was sworn in March 4th, 1861, and served during President Lincoln's first term of four years.

Andrew Johnson, of Tennessee, was elected Vice-President in 1864, and took the oath of office on the 4th of March, 1865, and acted as such until the death of President Lincoln, on the 14th of April of that year, when, by virtue of the provisions of the

constitution, he became President of the United States, and served to March 3d, 1869.

4. PRESIDENT PRO TEMPORE OF THE SENATE.

The constitution provides that when the Vice-President is absent, or exercising the office of President of the United States, the Senate shall choose a president *pro tempore* to preside. This is done by a majority of those present.

When chosen and acting, he performs the same duties as the Vice-President when presiding.

5. SECRETARY OF THE SENATE.

The Senate appoints its own secretary, and other subordinate officers. He gives a bond for the faithful performance of his duties. He keeps two journals of the proceedings of the Senate—one relating to its legislative action, and the other of the proceedings in the secret or executive sessions, containing what relates to the confirmation of treaties, and advising and consenting to appointments. He also keeps all files and documents belonging to the Senate.

He disburses its contingent fund, and makes an annual report thereof. He certifies copies of the journals of the Senate, for which he receives fees. He has the franking privilege. He is required, in conjunction with the clerk of the House, at the close of each session, to publish a statement of all

appropriations made during the session, and also of all new offices created, and the salaries of each ; and also of the offices, the salaries of which have been increased, and the amount of such increase. He holds his office during the pleasure of the Senate. His salary is thirty-six hundred dollars, besides fees.

6. SERGEANT-AT-ARMS OF THE SENATE.

The office of sergeant-at-arms was first created by the rules of the Senate, and then recognized by act of Congress, making appropriations for it. He continues in office until a successor is appointed. He attends the sittings of the Senate, and aids the presiding officer in the enforcement of order, and serves all process issued by the direction and authority of the Senate. He takes an oath to preserve the secrets of the Senate. When in the execution of his office, in the Capitol, he usually carries a mace as a symbol of his authority.

His general duties are similar to those of the same officer in England, when attending upon the king, the two houses of parliament, and the court of chancery. He executes the directions of the Senate, and carries messages when required. He also apprehends delinquents, serves citations, subpoenas, and other process, as he may be directed by the Senate. When the Senate orders persons into custody, he arrests and detains them under control until discharged. He is, in many respects, the pro-

tecting guard of the Senate, like a sergeant with his files in the army. His salary is two thousand dollars, and he receives fees for serving writs, subpoenas, and other process, the same as the like officer in the House. These often amount to a very large sum.

By a recent law, the sergeants-at-arms of the Senate and House appoint the members of the Capitol police.

7. DOOR-KEEPER OF THE SENATE.

The sergeant-at-arms of the Senate is, *ex-officio*, door-keeper to that body, having an assistant door-keeper to aid him in performing its duties, and who, in fact, acts as door-keeper. The name implies, substantially, the duties of the office. He keeps the doors of the Senate, and announces from them messages from the President and House of Representatives. As door-keeper, he appoints superintendents of the folding-room, document-room, messengers, pages, folders, and laborers, and discharges various duties not enumerated in the rules. He folds and distributes extra documents, furnishes members with printed bills, reports, and other documents, conveys messages for members, keeps the hall, galleries, and committee-rooms in order. The assistant door-keeper's salary is seventeen hundred dollars.

8. THE CONGRESSIONAL PRINTER.

Until within a few years, each house of Congress elected its own printer, whose compensation was regulated by law. Each department employed its own printer, and remunerated him under contract. In 1860, the government purchased an extensive building for a public printing-office, where all the printing and binding for Congress and the departments could be done under the charge of a superintendent, appointed by the President. The office is now changed, and the Senate elects a "congressional printer," who performs the same duties, the office of superintendent being abolished.

His duties are to purchase materials, under regulations provided by law, for printing and binding for Congress, the courts and departments, and employ printers, binders, and laborers necessary for the prompt dispatch of business.

He advertises for materials when he wishes to purchase, and awards the contract to the lowest bidder, who is paid on his certificate of their delivery.

He is responsible for all manuscript placed in his hands, and is forbidden to pay higher prices for services in his office than are paid in private offices in Washington.

He procures the engraving of charts, maps, diagrams, views, and other engraving required to illustrate any printing directed by Congress, but under

the supervision of the committee on printing of the house ordering the same.

He is punishable for corruption and collusion with persons bidding to furnish materials for the public printing-office.

His salary is four thousand dollars.

9. A CHAPLAIN OF THE SENATE.

The Senate elects its own chaplain, who serves two sessions. He attends mornings at the opening of the Senate and offers up a prayer before the session opens. He also conducts religious worship in the Representatives' hall every other Sunday during the session of Congress. His compensation is seven hundred and fifty dollars per annum. Extra compensation is sometimes voted him.

CHAPTER XXV.

I. THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

THIS body regulates its own proceedings, which have always been public. Its debates and reported proceedings, added to those of the Senate, since they have become public, constitute about one hundred and fifty volumes, mostly fine print, and some of enormous quarto size. The political history of the United States is mainly contained in them, in the laws which have been passed by Congress, in the reports by the departments, and in the messages of the presidents.

The House has no powers not common to the Senate, except to present impeachments, to originate bills for raising revenue, and to vote by States for President when the presidential electors fail to give any candidate a majority of all the votes.

2. OFFICERS OF THE HOUSE OF REPRESENTATIVES.

THE SPEAKER.

The constitution provides that the House of Representatives shall choose their Speaker and other

officers. This is done by a majority of members present, usually voting by ballot.

At the present time, the term "Speaker" seems a misnomer, though otherwise in the days of the origin of the office. At that time the chief executive delivered orally to the legislature such communication as he chose at the commencement of a session. It was then the custom for the house so addressed to respond to such communication. Its presiding officer headed a procession of its members, waited upon the executive, and delivered the response, which he read. He thus spoke for the whole body, no one else saying any thing, and was thence very appropriately called speaker. At an early day in this country, and down to a period long subsequent to the framing of the federal constitution, the practice of responding to executive communications prevailed in many if not in all parts of the United States. Mr. Jefferson determined that his communications to Congress should not be delivered orally, but by written message sent by another, and that no answer would be expected. This led to a universal change upon these subjects in all American legislative bodies. Consequently the Speaker's duties became confined to presiding over the debates and proceedings of the House. Although addressed as Mr. Speaker, he is substantially a listener.

He presides over the deliberations of the House, and under its rules appoints its committees. He supervises the journal kept by the clerk, and certifies

the amount of compensation of members. He signs all bills and joint resolutions passed by the House, whether sent to the Senate or to the President for his action thereon.

In case of the removal, death, resignation, or inability to act of both the President and Vice-President, when there is no President *pro tempore* of the Senate, the Speaker of the House of Representatives, under a law of Congress, acts as President of the United States until the disability be removed, or a president shall be elected.

In practice, the Speaker is sworn into office by such member as has served longest in the House, and then he administers the oath to all other members. He addresses the House on questions of order. When the House divides on questions, he counts those voting for or against a proposition, or appoints tellers to determine it. When necessary, he requires the lobbies and galleries to be cleared.

In all cases of ballot, the Speaker votes ; but in other cases, he is not required to do so, unless his vote, if given to the minority, will make the division equal, in which case the question by the rules is lost.

He appoints three Regents of the Smithsonian Institution. He is subject to be removed by the House. He signs and seals all writs, warrants, and subpoenas issued by order of the House, which are attested by the clerk. He disposes of the unappropriated rooms in that part of the Capitol assigned to

the House. In matters of precedence, when the two Houses assemble as such, the Speaker ranks next to the President of the Senate.

3. The following persons have been speakers of the House of Representatives :

1st Congress—FREDERICK AUGUSTUS MUHLENBERGH, of Pennsylvania, from April 1st, 1789, to March 3d, 1791.

2d Congress—JONATHAN TRUMBULL, of Connecticut, from the 24th of October, 1791, to March 3d, 1793.

3d Congress—FREDERICK AUGUSTUS MUHLENBERGH, of Pennsylvania, from December 2d, 1793, to March 3d, 1795.

4th and 5th Congresses—JONATHAN DAYTON, of New-Jersey, from December, 1795, to March 3d, 1799.

6th Congress—THEODORE SEDGWICK, of Massachusetts, from December 2d, 1799, to March 3d, 1801.

7th, 8th, and 9th Congresses—NATHANIEL MACON, of North-Carolina, from December 7th, 1801, to March 3d, 1807.

10th and 11th Congresses—JOSEPH B. VARNUM, of New-York, from Oct. 26th, 1807, to March 3d, 1811.

12th, 13th, 14th, 15th, and first session of 16th Congress—HENRY CLAY, of Kentucky, from November 4th, 1811, to May 15th, 1820. *Second session of 16th Congress*—JOHN W. TAYLOR, of New-York, from November 13th, 1820, to March 3d, 1821.

17th Congress—PHILIP P. BARBOUR, of Virginia, from December 3d, 1821, to March 3d, 1823

18th Congress—HENRY CLAY, of Kentucky, from December 1st, 1823, to March 3d, 1825.

19th Congress—JOHN W. TAYLOR, of New-York, from December 5th, 1825, to March 3d, 1827.

20th, 21st, 22d, and 23d Congresses—ANDREW STEVENSON, of Virginia, from December 3d, 1827, to June 3d, 1834, when, having been appointed minister to England, he resigned, and JOHN BELL, of Tennessee, was elected, and served to the end of the 23d Congress, on the 3d of March, 1835.

24th and 25th Congresses—JAMES K. POLK, of Tennessee, from December 7th, 1835, to March 3d, 1839.

26th Congress—ROBERT M. T. HUNTER, of Virginia, from December 16th, 1839, to March 3d, 1841.

27th Congress—JOHN WHITE, of Kentucky, from May 31st, 1841, to March 3d, 1843.

28th Congress—JOHN W. JONES, of Virginia, from December 4th, 1843, to March 3d, 1845.

29th Congress—JOHN W. DAVIS, of Indiana, from December 1st, 1845, to March 3d, 1847.

30th Congress—ROBERT C. WINTHROP, of Massachusetts, from December 6th, 1847, to March 3d, 1849.

31st Congress—HOWELL COBB, of Georgia, from December 24th, 1849, to March 3d, 1851.

32d and 33d Congresses—LINN BOYD, of Kentucky, from December 4th, 1851, to March 3d, 1855.

34th Congress—NATHANIEL P. BANKS, Jr., of Massachusetts, from February 2d, 1856, to March 3d, 1857.

35th Congress—JAMES L. ORR, of South-Carolina, from December 7th, 1857, to March 3d, 1859.

36th Congress—WILLIAM PENNINGTON, of New-Jersey, from February 1st, 1860, to March 3d, 1861.

37th Congress—GALUSHA A. GROW, of Pennsylvania, from July 4th, 1861, to March 3d, 1863.

38th, 39th, and 40th Congresses—SCHUYLER COLFAX, of Indiana, from December 7th, 1863, to March 3d, 1869.

41st Congress—JAMES G. BLAINE, elected March 5th, 1869, to serve to March 3d, 1871, when he was reëlected.

4. CLERK OF THE HOUSE OF REPRESENTATIVES.

The clerk of the House is elected by members of the House at their first meeting, and holds until a successor is elected. He gives a bond for the faithful performance of his duties. He preserves order during the election of Speaker. The Speaker administers to him an oath of office, which, among other things, requires him to keep the secrets of the House. He keeps a journal of the proceedings of the House, and has custody of all documents and files belonging to it, and certifies extracts from the journals and copies of files under his control. He furnishes at the commencement of each session a

statement of the disbursements made from the contingent fund of the House, and a statement of the clerks and other persons employed by him in the House during the preceding year.

In conjunction with the secretary of the Senate, he prepares and publishes a statement of the appropriations made at the previous session, of the offices created and the salary of each, and of the increase of salaries,

He signs all bills and resolutions which pass the House, and certifies and enrolls all House bills which finally pass. He disburses the salary fund of the various officers and employees of the House, and performs many other duties under the rules or directions of the House. He has the franking privilege. His salary, besides fees, is thirty-five hundred dollars.

5. SERGEANT-AT-ARMS OF THE HOUSE OF REPRESENTATIVES.

The powers and duties of the sergeant-at-arms of the House are substantially those of the same officer in the Senate. In addition, a rule of the House requires him to keep the accounts for the pay and mileage of members, to prepare checks, and, if required so to do, to draw the money on such checks for the members, (the same being previously signed by the Speaker and indorsed by the member,) and pay over the same to the member entitled thereto. The committee on mileage is required to ascertain and report

to him the distance traveled, or mileage, for which each member shall receive pay. He receives for every arrest two dollars, and one for each day's custody and a release, and ten cents per mile for travel. At some sessions the sergeant-at-arms of each house receives large sums as fees. His compensation is reported at twenty-five hundred and ninety two dollars. In connection with the sergeant-at-arms of the Senate, he appoints the members of the Capitol police.

6. DOORKEEPER OF THE HOUSE OF REPRESENTATIVES.

At the commencement of each Congress, a doorkeeper is elected *viva voce*, and he continues in office until a successor is qualified. He takes the usual oath of office, with the addition that he will keep the secrets of the House. His general duties are those described as appertaining to the same officer in the Senate. He keeps hung up at each entrance-door of the Representatives' chamber printed lists of those entitled to enter, so that visitors may understand his duties and their privileges. The galleries of both houses are open to all orderly people, the diplomatic corps, the reporters, the ladies, and gentlemen without them, having separate entrances and divisions assigned them. His salary is twenty-five hundred and ninety-two dollars.

7. POSTMASTER OF THE HOUSE OF REPRESENTATIVES.

The House appoints a postmaster, whose duty it is to send off the mail matter of the members, and to obtain and distribute to them whatever may be received at the city post-office. His compensation is twenty-five hundred and ninety-two dollars.

8. CHAPLAIN OF THE HOUSE OF REPRESENTATIVES.

The House elects its own chaplain, whose compensation is seven hundred and fifty dollars by statute. It is his duty to attend at the opening of the daily sessions of the House and offer up a prayer, and to conduct religious services in the House every other Sunday. In practice, the Senate chaplain attends on the intervening Sunday and performs the like services. These services are not exclusively for members of Congress. They are open to whomsoever chooses to attend.

9. THE LIBRARY OF CONGRESS.

From the first organization of the government, it has been an object of much solicitude to collect at the Capitol a public library which should enable the officers of the different departments of the government and members of the legislative branch to fully investigate all questions which could arise for their consideration and action. Soon after the Capitol was located at Washington, Congress took steps for col-

lecting such a library. The early collections were destroyed when the British burnt the Capitol in 1814. New collections were made, and in 1815, Mr. Jefferson's large and valuable library was purchased and placed in the library of Congress. Several small libraries were afterward added. In the winter of 1851-2, nearly the whole miscellaneous library was consumed by fire. The library-rooms were afterward made fire-proof, and the collection of another library commenced. To the new collection has been since added the great documentary and historical library of the late Peter Force, of Washington, supposed to be the most valuable of the kind in the world.

Books are purchased for the library under the direction of the joint library committee of the two houses of Congress.

The librarian is appointed by the President. He has several assistants, whom he appoints. He and they have charge of the miscellaneous and law library, under regulations prescribed by the President of the Senate and Speaker of the House. When not otherwise provided by law, the justices of the Supreme Court determine who may take books from the law library. The library, heretofore collected at the Smithsonian Institution is now at the Capitol, in charge of the librarian of Congress.

Books are taken from the library by members of Congress, heads of departments and bureaus, justices of the Supreme Court and Court of Claims.

Visitors consult in the library such volumes as they may select. Counselors-at-law attending the Supreme Court and Court of Claims obtain books from the law library to use therein. It speaks ill of visitors, that many books have been robbed of their engravings while in their hands in the library rooms. The library is a favorite place of resort for literary people, travelers, and strangers visiting the capital.

The librarian and assistants are always found courteous and obliging to those who call, and aid them in the selection of such books as they desire to see. They have arranged and keep their books in most excellent order, and all the appointments are neat and inviting. Although not the largest library in the world, it is believed to have been selected with unequaled care and attention, and has few, if any, useless books in any department.

The librarian keeps an account with those who are authorized to take books, and holds them to a strict accountability. He purchases, under the direction of the joint library committee of the two houses of Congress, such books as they direct. He appoints three assistants, one of whom has sole charge of the law library. His compensation is twenty-five hundred and ninety-two dollars, and his assistants receive twenty-one hundred and sixty.

CHAPTER XXVI.

I. THE EXECUTIVE DEPARTMENT.

UPON the executive department is devolved the execution of the laws. By the constitution,

The executive power is vested in the President of the United States of America.

Although under the control of a single individual, the operations of this department are more extensive than either of the others. It extends to making all appointments, both civil and military ; to the management and control of the whole army and navy. It also embraces all the civil operations of the government. Among its duties are the collection of the revenue from customs, and, under the internal revenue laws, the sale of public lands and other property, and bringing the whole proceeds into the treasury, and the expenditure of all appropriations made by Congress for the public service. The settlement of these is often soon made known throughout the Union.

Each of the secretaries and post-master general is authorized to request the opinion of the attorney-general in writing on any question of law arising in his department.

Each member of the cabinet, as well as the President and Vice-President, has the franking privilege.

They rank next to the President and Vice-President. Members of both houses of Congress often resign to take these positions, which are exceedingly laborious when the duties are efficiently and thoroughly performed.

On the last night of a session of Congress, it is usual for them to attend with the President at the Vice-President's room in the Capitol, to advise him on the subject of signing bills which may then be passed.

2. When the President attends on any public occasion, some or all the cabinet accompany him ; and especially at funerals of members of Congress or other distinguished persons.

Members of the cabinet call upon the President and each other without ceremony.

Their general duties are wholly distinct from each other.

It is through these officers that the President causes the laws to be executed. Each is charged, either specially or generally, with the execution of those which pertain to his own department. In the early days of the government, the President gave special directions to each department what acts it should execute. This appropriate and safe practice is now seldom resorted to. All the acts of the departments are, in theory and in law, in the name of

the President, whether so stated or not, except where Congress specially devolves a duty upon them, as sometimes occurs. Each receives a salary of eight thousand dollars.

CHAPTER XXVII.

I. THE PRESIDENT OF THE UNITED STATES.

THIS office is created and its most important duties prescribed by the constitution. Other duties have been imposed by statute under various powers conferred upon Congress.

The executive power of the government is in terms vested in him.

He holds his office for the term of four years, unless removed on impeachment.

No person not a native-born citizen, thirty-five years of age, and resident for fourteen years in the United States, can become president.

2. HOW THE PRESIDENT IS ELECTED.

Each State appoints, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in Congress.

Congress having the power to do so, has fixed the first Tuesday after the first Monday in November as the time of choosing electors, and the first Wednesday in December as the time of casting their votes throughout the United States.

The electors meet in their respective States on the day thus fixed and vote separately for president and vice-president.

The electors make distinct lists of all persons voted for as president and all persons voted for as vice-president, and of the number of votes for each, which lists they sign and certify and transmit, sealed, to the seat of government of the United States, directed to the president of the Senate. By law, a duplicate is delivered to the district judge of the district in which the electors assemble. The same act provides that Congress shall be in session on the second Wednesday in February succeeding the meeting of the electors, at which time the certificates are to be opened and the votes counted.

By the constitution, the president of the Senate, in the presence of the Senate and House of Representatives, opens all certificates, and the votes are then counted by him. The person having the greatest number of votes, if a majority of the whole number of votes given, is declared elected.

If no person has such majority, then, from the three highest on the list, the House of Representatives voting by ballot and by States, each State having one vote, elects a president.

3. The President's official term, by law, commences on the fourth of March, when he publicly takes the following oath of office :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United

States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

Either immediately before or after taking this oath each of our presidents has delivered an inaugural address, setting forth more or less fully the principles upon which he proposes to administer the government.

4. The cabinet of his predecessor usually tender their resignations; and among the first duties of a new president is to appoint a new cabinet from among those whose political views harmonize with his own.

The outgoing president convenes, by proclamation, the Senate to meet the day after inauguration, to act upon the nominations for a new cabinet, and such other officers as the incoming president may desire. The most important period of an administration is during its organization and commencement of operations.

5. HOW A PRESIDENT IS REMOVED.

No President of the United States has ever been removed from office by impeachment. This can only be done by impeaching him for and "on conviction of treason, bribery, or other high crime or misdemeanor."

The House of Representatives has the sole power of impeachment.

The Senate has the sole power to try all impeach-

ments. When sitting for that purpose, they are to be on oath or affirmation.

When the President of the United States is tried, the Chief-Justice shall preside.

No person can be convicted without the concurrence of two thirds of the members present.

Judgment, in cases of impeachment, extends no further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States ; but the party convicted will, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

The mode of impeachment is this : The House of Representatives investigates in such manner as it chooses, but usually under oath of witnesses, such charges as are made, through one of its committees. If the House deems the charges important, and that they have been established, it causes written articles of impeachment, resembling an indictment, which, through a select committee, called managers, on the part of the House, it presents to the Senate, and demands that the accused be cited to appear and answer. If the accused appears and answers, the issues made are tried like those in an indictment. Witnesses are sworn on both sides, if offered, and evidence given and counsel heard as in other trials. If the accused fails to appear, the evidence is taken *ex parte*. The Senate usually deliberate in private, but declare judgment in public.

6. There have been but five cases of impeachment, namely :

Andrew Johnson, President, in 1868 ; Samuel Chase, Associate-Justice of the Supreme Court, in 1805 ; James H. Peck, District Judge of Missouri, in 1830, who were acquitted. And John Pickering, District Judge of New-Hampshire, in 1803, and William H. Humphries, District Judge of Tennessee, in 1862, who were convicted and dismissed from office, and declared disqualified to hold office under the United States.

IN CASE OF A VACANCY IN THE OFFICE OF PRESIDENT, WHO ACTS.

The constitution declares who shall act in one case, and authorizes Congress to provide who may do so in other cases.

In case of the removal of the President from office, or his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President ; and Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. Congress provided, in 1792, that when there is neither a President nor a Vice-President who can act, the president of the Senate, *pro tempore*, and

in case there is no president of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States until the disability be removed, or a president shall be elected. This provision is unobjectionable, except it is unauthorized.

NOTE.—Clearly, this has no constitutional authority to rest upon. The word "officer," contained in the constitution, clearly means an "officer of the United States," who could be impeached. That instrument provides that the President "shall commission *all* the *officers* of the United States," while the president, *pro tempore*, of the Senate is the officer of the Senate, and elected and commissioned as such by that body, and removable at its pleasure. By electing a new presiding officer, the old one would cease to be president, and the new one would take his place as such. The Senate might not only remove him as presiding officer, but might expel him as senator, and thus vacate his office as president, and also that of senator. This would place the office of president within the control of the Senate alone. The constitution intended that an officer, independent of either branch of the legislature, like the heads of department, the Chief-Justice, or other official presumed to be the best adapted to discharge the duties of the presidency, should, under such circumstances, be authorized to perform the duties of chief magistrate.

8. CONSTITUTIONAL POWERS OF THE PRESIDENT.

The President can not, by any law, be deprived of any authority conferred by the constitution. As therein enumerated, he can exercise it as he may deem proper. These we give below :

By the constitution, the President is commander-in-chief of the army and navy, and of the militia of the several States, when called into the actual service of the United States. In practice, he has never taken command personally in the field, although Mr. Madison was near by, with a portion of his cabinet, and advising, at the battle of Bladensburg, August 24th, 1814. He commands through others.

When he deems it necessary, he requires the opinion of the members of his cabinet in writing.

He grants reprieves and pardons for offenses against the United States, except in cases of impeachment. When application is made for these purposes, he refers it to the attorney-general for his examination and advice thereon. Conditional pardons have been granted, and adjudicated to be constitutional and valid.

9. He has power to make treaties, with the consent of two thirds of the Senate. He never does so personally. When they are prepared in foreign countries, he is represented by our minister there, who forwards them to the Department of State. When made here, the negotiation is between a foreign minister, duly authorized by his government, and our

Secretary of State, representing the President. In both cases, his representative conforms to instructions he may give orally, by letter, or through the State Department.

10. He sends nominations to the Senate for its concurrence. These are usually prepared in the department under which the officer is expected to serve, and are then signed by the President. Commissions are in like manner made out and sealed in the different departments, and then signed by the President, some of which are recorded in the Department of State, and others in the department under which the service is performed. Oaths of office are usually filed in the department sending the commission.

He receives ambassadors and other public ministers. They first call on the Secretary of State, and on a day assented to by the President, are formally presented to him by the secretary, when the minister makes a congratulatory address in behalf of his government, which is briefly responded to by the President.

11. The constitution requires the President, from time to time, to give Congress information of the state of the Union, and to recommend to them such measures as he deems necessary and expedient. This he does by sending to both Houses formal written messages by his private secretary. The annual message is thus sent, at the opening of the session of Congress. He sends special ones when any thing im-

portant arises during the session, or he is called upon by either House for information.

He is authorized to veto any bill or resolution passed by both houses of Congress. He does this by returning it to the House where it originated, with a written message stating the reasons why he believes it ought not to become a law.

All bills are enrolled on parchment before they are sent to the President for his approval. Those that he does not veto are signed by him, under the word "approved," affixing a date, and they are then filed in the State Department for preservation.

On the death, absence from the seat of government, or inability to perform their duties by the heads of either of the departments, the President makes a temporary appointment of a person to perform them, except where the statutes provide some person to act, as in the Post-Office Department, where the senior assistant, by law, performs the duties of his principal.

12. When contagious sickness or other causes render it hazardous to the lives of members of Congress to assemble at the usual place of meeting, the President, by proclamation, may convene them at some other place than the Capitol.

He may, on extraordinary occasions, convene both houses of Congress, or either of them.

In case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he may think proper.

The constitution directs that "he shall take care that the laws be faithfully executed."

At stated times, the President receives for his services a compensation, which can neither be increased or diminished during the period for which he has been elected.

13. He is forbidden to receive within that period, any other emolument from the United States, or any of them.

On the application of the legislature of any State, or of the executive thereof, if it is not in session, the President may call forth the militia to suppress insurrection or invasion, or combinations against the laws. He may also use the army and navy for this purpose.

Formerly he signed patents for all lands granted by the United States. His name is now signed by a person duly commissioned and authorized by law to do so.

He is authorized to discharge public debtors from imprisonment. Applications for discharge, if not in the first instance presented to him, are usually referred to the Solicitor of the Treasury, and the President acts upon his recommendation.

He may employ the army and navy to enforce the neutrality laws.

Under a statute, he employs a private secretary and a steward at the public expense.

He prescribes the uniform for the army. In practice, he usually follows the recommendation of the

Secretary of War, or the higher officers of the army.

He causes our sea-coast to be surveyed, and accurate charts thereof made.

During domestic and foreign wars, the President is authorized to issue to private armed vessels letters of marque and reprisal, under the seal of the United States, and to make all needful rules and regulations for the government and conduct of such vessels.

14. Under the general power and direction in the constitution to "take care that the laws be faithfully executed," the President, without statute directions, causes it to be done through the proper departments. In practice, each of the heads of departments, bureau and other officers, takes notice of such laws as it is proper for him to execute, and attends to them without special direction from the President or any superior.

15. When an official of the executive class fails to perform his duty, and to follow the directions of the laws or of the President, the only remedy is by removal. From the organization of the government in 1789 to 1871, every President has made removals of officers for cause—that is, for actual offense—but more generally for difference of opinion on the subject of the management of the affairs of government. The party in power always claims that its policy is wisest and best, and to secure complete success, the business of the government should be conducted by those approving that policy. This leads to the removal of political adversaries, and the appointment of recognized political friends. Under a statute

passed in 1867, the President is sought to be restrained in the exercise of this power, except with the consent of the Senate. The constitutionality of this law is now the subject of controversy, and, owing to a difference of views between the President and Congress, formed the principal grounds of the late impeachment of the former.

The number of permanent statutes directing the President in the performance of his duties is not large ; but those requiring him to do a specific act, being temporary in their character, are immense. At each session of Congress many such have been passed. They have been particularly numerous since the commencement of the rebellion, and many of them are exceedingly complex. Only a portion of these required his personal attention, most of them being properly executed by the departments.

Laws temporary in their character, or of minor importance, are not referred to in this work.

Being the head of the government, the President receives, but does not usually make calls, except in cases of sickness.

The President's business-office is kept in a large chamber in the presidential mansion, where he receives most of those who call on business, ceremony, or out of curiosity. The cabinet enter without ceremony, and senators and members of the House, and citizens, in their order, on permission. At certain hours the doors are thrown open, that all may freely enter that choose to do so.

On certain days and evenings, mostly during the sessions of Congress, levees are held, when all respectably behaved people are at liberty to attend. Those who are strangers are introduced to the President by some official, usually the Commissioner of Public Buildings.

Official dinners are given, at which foreign ministers and members of Congress who have called on the President, and distinguished visitors at the capital, are invited.

No uniform, or particular style of dress, is required of those visiting the White House for any purpose, more than at the house of any citizen.

On New-Year's day, the custom is for every one who chooses to call and wish the President a happy New-Year. The foreign diplomatic corps are first received. On these occasions, the crowd is immense, and of a varied character.

On New-Year's, and at evening levees, there is always music by a full band.

In the intercourse with the President, or at his mansion, there are no forms, ceremonies, or observances other than such as prevail in the first class of society throughout our country. Our Presidents have usually been distinguished for simplicity, unassuming dignity and courtesy of manners. They have been as easy to approach as the humblest citizen.

The power of the President is various and immense to be deposited in the hands of a single individual,

and the range of duties is almost without limit. Unless he is thoroughly versed in the constitution, laws, usages, and business of the federal government, and has business capacity of a high order, and superior common sense, and inflexible honesty, he will fail to meet the expectations of the people, and be unable to aid them much in their pursuit of happiness.

The President's compensation is twenty-five thousand dollars per annum. He is also provided with a furnished mansion, known at home and abroad as the "White House," a name which is generally a puzzle both to citizens and strangers. Its origin is this : When the British in 1814 took Washington, they destroyed the public buildings, including the President's mansion, which, like the Capitol, was built of a grayish sandstone. The burning of the wood-work smoked and discolored the stone walls, the natural appearance of which could not be restored. Uniformity was secured by the application of white paint. The changed appearance from gray to white attracted attention and gave it the appellation of the "White House," which it has since borne.

PRESIDENTS OF THE UNITED STATES.

The following persons have held the office of President of the United States :

I. GEORGE WASHINGTON, of Virginia, was elected first President in December, 1788, by a unanimous vote of the presidential electors. His term com-

menced on the 4th of March, 1789. He was not sworn into office until April 30th of that year, at the city of New-York.

2. GEORGE WASHINGTON was reëlected in December, 1792, by a unanimous vote of the presidential electors, was sworn into office at Philadelphia, March 4th, 1793, and retired from office March 3d, 1797.

3. JOHN ADAMS, of Massachusetts, was elected President in December, 1796, by a majority of three electoral votes over Thomas Jefferson, was sworn into office at Philadelphia on the 4th of March, 1797, and his term of service expired on the 3d of March, 1801.

4. THOMAS JEFFERSON, of Virginia, was elected President by the House of Representatives on the 17th of February, 1801, there having been no election by the presidential electors. John Adams was his competitor before the people. Aaron Burr was supported on the same ticket for Vice-President. The constitution did not require the electors to designate which they intended for president, but declared that the person having the largest number of votes should be president, and the next largest should be vice-president. In case of a tie, the House of Representatives chose a president from the five highest on the list, voting by States, each having but one. In the House, the Republican party supported Jefferson, and the Federal, which had supported Mr. Adams, voted for Burr thirty-five times. On the thirty-sixth vote, Mr. Jefferson was elected President, and Burr

became Vice-President. Mr. Jefferson was sworn into office at Washington,* on the 4th of March, 1801.

5. THOMAS JEFFERSON was reëlected in 1804 by a majority of one hundred and forty-eight votes over Charles Cotesworth Pinckney, of South-Carolina, was sworn into office on the 4th of March, 1805, and served to the end of his term, March 3d, 1809.

6. JAMES MADISON, of Virginia, was elected President in 1808, by a majority of seventy-six over C. C. Pinckney—having forty-seven votes, and George Clinton having six—and took the oath of office on the 4th of March, 1809.

7. JAMES MADISON was reëlected in 1812 by a majority of thirty-nine votes over De Witt Clinton, of New-York, who received eighty-nine, and was sworn into office on the 4th of March, 1813, and served until March 3d, 1817.

8. JAMES MONROE, of Virginia, was elected President in 1816, by a majority of one hundred and forty-nine votes over Rufus King, who received thirty-four, and took the oath of office on the 4th of March, 1817.

9. JAMES MONROE was reëlected in 1820, he receiving two hundred and thirty-one votes out of two hundred and thirty-five, and took the oath of office on the 4th of March, 1821, and served till the 3d of March, 1825.

10. JOHN QUINCY ADAMS, of Massachusetts, was

* After this date all our Presidents have been sworn in at this place.

elected President on the ninth of February, 1825, by the House of Representatives. There were at the election of the previous year four candidates—Andrew Jackson, John Quincy Adams, William H. Crawford, and Henry Clay, receiving respectively 99, 84, 41, and 37 votes. Neither having a majority, the House proceeded to vote by States. Mr. Adams received thirteen, and was declared duly elected, was sworn into office on the 4th of March 1825, and served out his full term.

11. ANDREW JACKSON, of Tennessee, was elected President in 1828, by a majority of ninety-five votes over John Quincy Adams, and was sworn into office on the 4th of March, 1829.

12. ANDREW JACKSON was reelected President in 1832, by a majority of one hundred and seventy over Henry Clay, of Kentucky, took the oath of office on the 4th of March, 1833, and served until March 3d, 1837.

13. MARTIN VAN BUREN, of New-York, was elected President in 1836, by a majority of ninety-seven votes over William H. Harrison, of Ohio, took the oath of office March 4th, 1837, and served to the end of his term, March 3d, 1841.

14. WILLIAM H. HARRISON, of Ohio, was elected President in 1840, by a majority of one hundred and seventy-four over Martin Van Buren, took the oath of office on the 4th of March, 1841, and died on the 4th of April, 1841, having served as President just one month.

JOHN TYLER, of Virginia, who was elected Vice-President on the Harrison ticket, and had sworn in as such, on the 4th of March, 1841, became, under the constitution, President, took the oath of office as such on the 6th of April, and served until March 3d, 1845.

15. JAMES K. POLK, of Tennessee, was elected President in 1844, by a majority of sixty-five over Henry Clay, took the oath of office March 4th, 1845, and served to March 3d, 1849.

16. ZACHARY TAYLOR, of Louisiana, was elected President in 1848, by a majority of thirty-six over Lewis Cass, of Michigan, took the oath of office March 5th, 1849, and served to July 9th, 1850, when he died.

MILLARD FILLMORE, of New-York, who had been elected Vice-President on the Taylor ticket, and qualified on the 5th of March, 1849, under the constitution, became President, and took the oath of office as such on the 10th of July, 1850, and served to the 3d of March, 1853.

17. FRANKLIN PIERCE, of New-Hampshire, was elected President in 1852, by a majority of two hundred and twelve votes over Winfield Scott, of Virginia, took the oath of office March 4th, 1853, and served to March 3d, 1857.

18. JAMES BUCHANAN, of Pennsylvania, was elected President in 1856, by a majority of sixty votes over John C. Fremont, of South-Carolina, took the oath of office March 4th, 1857, and served to March 3d, 1861.

19. **ABRAHAM LINCOLN**, of Illinois, was elected President in 1860, by a majority of one hundred and twenty-nine votes over John Bell, of Tennessee, John C. Breckinridge, of Kentucky, and Stephen A. Douglas, of Illinois, who received respectively seventy-two, thirty-nine, and twelve.

20. **ABRAHAM LINCOLN** was reelected President in 1864, by a majority of one hundred and ninety-one votes over George B. McClellan, of Ohio, took the oath of office March 4th, 1865, and died on the 14th of April of the same year.

ANDREW JOHNSON, of Tennessee, was elected Vice-President on the Lincoln ticket, and took the oath of office, and, on the death of Mr. Lincoln, became President, under the constitution, and was sworn in as President on the 15th of April, 1865, and served until March 3d, 1869.

21. **ULYSSES S. GRANT**, of Illinois, was elected President in 1868, by a majority of one hundred and thirty-four votes over Horatio Seymour, of New-York, and took the oath of office on the 4th of March, 1869.

CHAPTER XXVIII.

THE DEPARTMENTS.

A DEPARTMENT is not defined, but is contemplated by the constitution, in which it is three times mentioned. It is a division of government business over which the head, by law, exercises exclusive control, subject only to the supervision and direction of the President. It is the law alone which establishes the divisions and their boundaries, which has assigned, under the President, foreign affairs to the State Department, the revenues and finances to the Treasury, the business of the army to the War, and of national ships to the Navy, the Indian, land, pension, and patent matters to the Interior, and that concerning mail affairs to the Post-Office Department. Congress is authorized to vest the appointment of inferior officers in the heads of departments.

The President may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, for his consideration.

A very large portion of the duties of each department are subdivided and allotted to bureaus acting under them. The heads of departments form the

highest class of executive officers, next to the President, and the heads of bureaus form the second; each, by law, having distinct duties assigned to him, which will be hereafter given.

The persons having charge of these great divisions of the government are often called

“THE CABINET.”

This word is not found in the constitution or laws. Cabinet is a French word, meaning a small room in which consultations were had, and was subsequently extended to those who held consultations in such places, and was finally applied to the governing council of the country. In England, the ministers are *ex-officio* members of the governing council, often called cabinet ministers, having the responsibility of public affairs. Following English precedents, our heads of departments are often erroneously spoken of as “ministers” and “cabinet ministers,” and collectively “the Cabinet,” although their relations to the public and their responsibility are wholly different from those of the English ministry.

They attend a meeting at the President's office twice a week, and oftener if specially called, for consultation upon such business as may be presented by the President, or either of them.

These consultations are considered confidential, and it is deemed a breach of duty and honor to make them public without the express consent of the President. But what transpires there is often soon

known over the whole country. All accounts relating to collecting and disbursing the public revenues are among executive duties. They also include the execution of the decisions and decrees of the federal courts, the suppression of insurrection, and foreign intercourse. Executive duties include all the operations of the federal government, except what is committed to Congress and the judiciary. Their enumeration would fill volumes.

To aid the President in the performance of these duties, departments and bureaus have been established, and thousands of offices created, and these employ other heads and hands to assist them. All these will be considered in the proper place.

CHAPTER XXIX.

THE BUREAUS.

ORIGINALLY the word bureau signified merely a large writing-table. It was then extended to the place where writing and business was done. In Europe, it means the same as department with us. But in England and the United States, it is applied to the transaction of business, principally writing, in subordination to, or under the control of, a superior branch or division of the government. With us, bureaus perform as important services as the departments under which they act. The management of our banking system, the issuing stocks and treasury notes, the custody of our money, the settlement of all accounts, keeping books showing the income and outgoes of the government, and many other important matters, are intrusted to bureaus. Their business is not subordinate, although done under the supervision of a higher official.

In the Treasury, Interior, War, and Navy Departments there are numerous bureaus, the heads of which are appointed by the President, with the consent of the Senate, and hold office during his pleasure.

The duties of these offices require them to be filled

by men of talent, learning, and industry, as well as integrity. In some cases, they have been promoted to be head of departments.

In the Navy Department there are six: Bureau of docks and yards, of equipment and recruiting, of navigation, ordnance, construction and repair, steam engineering, and of medicine and surgery.

In the State and Post-Office Departments, and Attorney-General's office, although the labor is subdivided, there are no separate bureaus having separate and independent duties to perform. In both, the business is conducted under the general direction of the official head.

Each bureau will be separately considered under the head of the department to which it properly belongs.

The Department of Justice, although it has several assistants, has no bureaus, according to the general meaning of that term.

CHIEF CLERKS.

Each of the departments, and most of the bureaus, has a chief clerk, whose duties are of the most important character. He usually receives and opens the mails, and distributes their contents among the clerical force for examination and such action as the law, or the head of the office, may require. He has the general custody of the books and papers in the office, and reports upon the manner in which the

clerks perform their duties. He is expected to have a thorough knowledge of the duties of the department or bureau. He is the person called upon and consulted in relation to a large portion of the business, and especially of a routine character. He knows to what sources to apply for information upon each particular subject, and gives such directions concerning it as he deems proper. He is the proper organ for most of the oral communications relating to the business of the office. When a written answer is necessary, he receives the proper directions, and causes it to be prepared for signature. He bears a relation to the head of the office similar to that of an orderly sergeant to the commander of a company.

In the absence of the head of the department or bureau, he has the exclusive charge of the office, unless otherwise provided by law, and, in many cases, by statute, performs all his duties. He is often appointed to act *ad interim*, in cases of vacancy or protracted absence of the head of the office. In practice, chief clerks are seldom changed, when found competent and unexceptionable in deportment. Many of them have shown themselves qualified for the head of the office. Some of them have remained in for fifty years, and in one case over sixty.

Their salaries vary from eighteen to twenty-five hundred dollars.

CLERKS IN THE DEPARTMENTS, BUREAUS, AND PUBLIC OFFICES.

These are a most useful class of employees. They are the heads and hands through which the high officials work out the business of government. When selected for their ability, fidelity, and industry, they render important and indispensable services in the management of public affairs. The heads of departments, bureaus, and other public offices have time only to solve special problems and give general directions. The actual preparation of business, from necessity, devolves upon clerks. Among these are found persons competent for the highest positions, and whose experience is invaluable in the management of details. Clerks appointed to reward partisan labors, or to enable politicians to pay debts, are seldom of much real service to the public. But those who have been wisely selected, and proved industrious and attentive, constitute the very working men of the government. They are usually devoted to one branch of business, and are the depositaries of all the knowledge concerning it which study and experience have produced. Some have devoted more than half a century to one class of business. Those having good capacity and considerable experience become masters, not only of the leading features, but of all the nice details of the matters they have in charge. When business is presented, by letter or otherwise, it is distributed among the clerks, and is first investigated by them. They

either prepare a written answer for the signature of the head of the office, or report the case for special instructions. In either case, the responsible official has the advantage of their knowledge and experience to aid him in acting. They report the action of the past, and point out the consequences of any action that may be taken. They present points for consideration which are raised by the facts and law. The responsibility of final action rests with the head of the office. Our archives contain many important reports and documents mainly, if not wholly, the production of talented and experienced clerks. One class of clerks keeps the books showing the income and expenses of the government. Upon their fidelity and care the accuracy of our public accounts depends. Some are engaged in routine business, like drawing warrants on the treasurer for money, or preparing checks upon sub-treasurers. Others work year after year in settling the public accounts, which embrace the collection and disbursement of our whole national revenue. Some receive and others pay out our entire income, while others keep the hundreds of millions of trust funds held by the government. In whatever aspect we may look at the duties performed by clerks, we can not fail to believe that they are a most useful and indispensable class of persons, upon whose ability and integrity the affairs of the federal government largely depend.

CHAPTER XXX.

I. THE SECRETARY OF STATE.

THE office of Secretary of State was created by a law passed at the first session of the first Congress. Next to the President, it is the highest executive office in the government.

The duties of secretary are partly provided by statute, but they mainly grow out of the law of nations and instructions prescribed by the President.

He has the custody of all records, books, and papers of the old Department of Foreign Affairs under the government of the Confederation, and others which accumulated during the war of the Revolution, except those relating to the Treasury and War Departments. The latter were, soon after the formation of the present constitutional government, deposited in those departments.

All treaties are deposited in this office.

The secretary receives all acts and resolutions passed by Congress that become laws, and causes them to be recorded.

He certifies copies of records and papers under the seal of the department, for which ten cents for each one hundred words is paid.

He causes the acts of each session of Congress to be published in at least three newspapers in each State, as may be provided by law.

He causes the seal of the department to be affixed to all civil commissions, whether temporary or otherwise. But it can not be so affixed before they are signed by the President, nor to any other instrument or act without the special warrant of the President therefor.

2. He has two assistant secretaries, who perform such duties in the department as may be prescribed by the secretary or provided by law.

He adds his name, by way of authentication, to all proclamations, and many other instruments signed by the President.

He has, under direction of the President, charge of our foreign relations, and conducts the necessary correspondence with foreign ministers, and with our ministers and consuls abroad.

Complaints by our citizens against the acts of foreigners abroad and foreign governments are usually addressed to and filed in the office of the Secretary of State.

He collects and communicates to Congress all commercial information obtained through our ministers and consuls abroad, and from other available sources.

He holds verbal intercourse at the department with the representatives of foreign governments.

He is the usual organ of communication of the President in communicating with the governors and

officers of territories, and other official and private individuals, on public business.

The accounts of persons connected with, or doing business for the department, receive an administrative examination by him before being sent to the proper auditor for adjustment.

Accounts for purchases for the department are paid, under his direction, by the disbursing officer of the department, without being sent to the auditor for settlement.

3. Applications for missions abroad, and consulates, should be filed with the secretary. When sent to the President for his consideration, they are briefed, so that he can readily understand the merits of the application. When acted upon, they are returned to the department, and placed among its files for preservation.

The secretary prepares the forms of passports for ships and vessels.

He issues passports to citizens going abroad, and also causes them to be issued by our consuls.

Those issued at the department are granted free of charge.

He publishes changes in the commercial systems of foreign governments, when received from our ministers, consuls, or other reliable sources.

He issues warrants for the extradition of those who, by judicial authority, have been adjudged criminals, so that they may be delivered up under our treaties with foreign governments.

At the commencement of each annual session of Congress, he is required to report to that body the names and salaries of the clerks employed in his department the preceding year, and an accurate account of the expenditures from the contingent fund of the department, and expenses of foreign intercourse, except that portion usually called the secret-service fund, which is settled and paid on the approval and signature of the President, and which are confidentially preserved in the department as not proper to be made public.

4. He instructs our consuls concerning the maintenance and return of destitute American seamen, and prescribes regulations for keeping their books and records, and making reports and returns to the department.

He compiles the register of public officers, commonly called the "blue book," from the color of its cover, and prepares an index to the laws of each session.

He receives the concurrence of the States to amendments of the constitution, and, when adopted, publishes the same.

He attends the regular semi-weekly meeting of the heads of departments at the President's, and at all times consults him on the subject of his duties when he deems it proper to do so, and gives his opinion in writing on any subject when required by the President.

He receives all foreign ministers, and presents

them to the President, and receives foreign consuls, and prepares their *exequaturs*—permission to execute their office—for the signature of the President, which, when signed, he publishes for the information of the public.

The correspondence sent to our ministers and consuls abroad is recorded in suitable books in his office, and that received from them, being required to be on paper of uniform size, is bound up and indexed for preservation and future reference.

His salary is eight thousand dollars.

5. SECRETARIES OF STATE.

Thomas Jefferson, of Virginia, appointed September 26th, 1789, by President Washington. Resigned.

Edmund Randolph, of Virginia, appointed January 2d, 1794, by President Washington. Resigned.

Timothy Pickering, of Massachusetts, appointed December 12th, 1795, by President Washington. Removed by President Adams.

John Marshall, of Virginia, appointed May 13th, 1800, by President John Adams. Resigned, and made Chief-Justice.

James Madison, of Virginia, appointed March 5th, 1801, by President Jefferson. Resigned, on being elected President.

Robert Smith, of Maryland, appointed March 6th, 1809, by President Madison. Resigned.

James Monroe, of Virginia, appointed April 2d,

1811, in recess, by President Madison, and confirmed by the Senate November 25th, 1811.

John Quincy Adams, of Massachusetts, appointed March 5th, 1817, by President Monroe. Became President, and resigned.

Henry Clay, of Kentucky, appointed March 7th, 1825, by President John Quincy Adams. Resigned.

Martin Van Buren, of New-York, appointed March 6th, 1829, by President Jackson. Resigned.

Edward Livingston, of Louisiana, appointed in recess, May 24th, 1831, by President Jackson, and confirmed January 12th, 1832. Resigned.

Louis McLean, of Delaware, appointed May 29th, 1833, by President Jackson. Resigned.

John Forsyth, of Georgia, appointed June 27th, 1834, by President Jackson. Resigned.

Daniel Webster, of Massachusetts, appointed March 5th, 1841, by President Harrison. Resigned.

Hugh S. Legaré, of South-Carolina, appointed May 9th, 1843, by President Tyler. Died at Boston while in office.

Abel P. Upshur, of Virginia, appointed July 24th, 1843, by President Tyler. He was killed, February 28th, 1844, by the bursting of a large cannon on board the United States steam frigate Princeton.

John C. Calhoun, of South-Carolina, appointed March 6th, 1844, by President Tyler.

James Buchanan, of Pennsylvania, appointed March 5th, 1845, by President Polk.

James M. Clayton, of Delaware, appointed March 7th, 1849, by President Taylor. Resigned.

we send abroad that foreign nations mainly form their opinions concerning our government and the character of our people.

Congress has made provision by law for the number, description, and compensation of our representatives of all grades abroad. The powers and duties of consuls are mainly provided by statute. Both ministers and consuls are subject to general and special instructions from the President, usually conveyed through the Secretary of State. The duties of ministers abroad, their mode of intercourse, their rank and privileges are, to a great extent, regulated by the usages and laws of nations. So much of whatever pertains to these different officers will be given as is deemed necessary to enable the reader to understand the general object of their creation and appointment, and the extent of their usefulness to the government and citizens.

When commissioned, they are furnished with a sealed letter of credence and a copy, a special passport for themselves and suite, a list of all our diplomatic and consular agents, and letters of credit upon our government bankers in London for the payment of their salaries when due. The copy of this letter of credence is left in the foreign office, and the original delivered to the sovereign when an audience is had with the proper officer of the foreign government.

They are also furnished with minute printed instructions in relation to their duties and accounts.

Other special instructions are from time to time sent, as occasion may require.

All fees are regulated by acts of Congress, and when collected at any legation, are accounted for and paid into the treasury.

No representative abroad is authorized to be absent from his post more than ten days at any one time without permission previously obtained of the President. Nor is he authorized to hold correspondence in regard to the foreign affairs of the government with newspapers or periodicals. All such correspondence must be with the proper officer of the United States.

They are forbidden to recommend persons for office under the government to which they are accredited. They are also prohibited from asking, or accepting, for themselves or any other person, any present, pecuniary emolument, or pecuniary favor, office, or title of any kind from any such government.

They are provided by our government with stationery, blanks, record and other books, seals, presses, flags, and signs, as the President may deem necessary for the proper discharge of their respective duties.

No person can act as the representative of a government abroad until he is received and accredited as such by that to which he is commissioned and sent.

All writs and processes issued against such

officials, recognized by our government, are by statute null and void.

Our representatives abroad receive all complaints that our citizens prefer against the government where they are accredited, and give them the proper attention, and, when necessary, transmit them to the State Department. They give them advice and assistance in their matters connected with the local government.

They *visé*, or authenticate, the passports issued to American citizens, to insure their better recognition within the government to which they are accredited.

They are supplied with blank passports, signed by the Secretary of State, which they fill up, seal, and authenticate by their signature, and issue in proper cases to our citizens desiring them.

They advise and direct all consuls and consular agents, within the country to which they are accredited, in the performance of their official duties.

In practice, our representatives abroad rank, in our estimation, according to the amount of their salaries, each grade having its particular rate. The salaries provided by law to different countries are as follows: Great Britain and France, each seventeen thousand five hundred dollars. Russia, Spain, Austria, Prussia, Brazil, Mexico, and China, each twelve thousand dollars. All other countries, each ten thousand dollars. *Chargés d'affaires*, fifty per cent of the sum allowed the principal officer at the place. Secretaries of legations, fifteen per cent

of the amount allowed to the full representative at the place where stationed. At London and Paris, assistant secretaries of legation are allowed, with salaries of fifteen hundred dollars each. The assistant secretaries of legation at China and Turkey, when they act as interpreters, receive a further compensation. When a minister abroad is announced as "recalled," it is a gentle way of saying he has been removed from office.

AMBASSADORS.

This office is specified in the constitution, and is also provided for by statute. The origin of the term, the duties which it imposes, and the privileges pertaining to it, are subjects upon which writers widely differ. Ambassadors are the highest order of foreign ministers, and represent the dignity of the sovereign sending them. They are not sent to reside abroad, but to make solicitations upon special occasions. In Athens, they read their commissions in public to the people, who were to act upon the questions presented. In Rome, they were read to the senate. In modern times, they are read to the official head of the government to which they are accredited, and a copy left for the public archives.

When recognized as such, they are absolutely exempted from all allegiance; and from all responsibility to the laws of the country where accredited. By a fiction of law, they are considered as if out of

the territory of a foreign power, and in that of their own country. And there exists an implied agreement among nations that while ambassadors reside in a foreign state, they shall be considered members of their own country, and that the countries they represent shall have exclusive cognizance and control over their conduct and persons. The attendants attached to their persons, and the effects in their use, are under their protection and privilege, and generally equally exempt from foreign jurisdiction.

If, however, ambassadors should disregard their duty, and forget the object of the privileges accorded to them, and insult or openly attack the laws of the government, or the high officials of the country where accredited, their functions may be suspended by a refusal to hold intercourse with them, or an application may be made to their government for their recall, or they may be dismissed and ordered to depart within a reasonable time.

Ambassadors claim, and have sometimes enjoyed, the right of transacting their business with the head of the government personally, instead of his representative. But this is not the modern practice.

The federal government has never sent an ambassador to any foreign government, and, it is said, has never received a foreign representative who was strictly such. France, Russia, Great Britain, Austria, and Spain are the only modern governments who have sent ambassadors to other governments. Prussia has never done so.

Ambassadors are expected to communicate to their government every thing that transpires connected with the subject of their mission, and such general information concerning trade and commerce, the arts and sciences, the productions of the country where accredited, as well as relative to their political affairs, as they deem material or useful.

The rank and dignity of this office are such that it has commanded the services of the most distinguished men and highest talent of the countries sending them. It has ever been considered next in rank and position to the sovereign represented. The most eminent men have accepted and probably sought for it. When its objects are successfully accomplished, it usually confers upon their author a place in the annals of the state. The services rendered are often vital to the country, and occasionally beneficial to mankind by creating precedents, and thus settling questions of universal interest. The system known as the law of nations has grown out of the adjustment of disputed questions between leading powers, and the common acquiescence of other nations in the principles thereby recognized and established.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

This office is specified in our law concerning representatives abroad. Anciently an envoy and a plenipotentiary were distinct offices, with little differ-

rence in their powers and none in rank. They are now blended into one, and rank next to ambassadors, and, in practice, perform similar duties, and are entitled to the same privileges and immunities. When abroad, they represent the nation, and act under the direction of the President, generally given through the Department of State.

Treaties formed by them are of no legal validity until ratified by the Senate, by a vote of two thirds of those present.

We send envoys extraordinary and ministers plenipotentiary to the following governments: Great Britain, France, Russia, Spain, Prussia, Austria, Italy, China, Mexico, Brazil, Chili, and Peru. Instead of this long and high-sounding name, we usually say, "American minister" at such a court.

This officer, when sent by us, is received, recognized, and permitted to act in the same manner as ambassadors. The official communications between him and our government are required, by a regulation of the State Department, to be on paper of uniform size, with such margins as will enable them to be bound for preservation. They keep journals of all occurrences, except those of a strictly personal nature, for their own protection, as well as that of the government, in case of future controversy about what had really occurred.

This class of ministers often remains many years at the same court, but is usually changed with a change of administration. In other countries, when

a competent person enters the diplomatic service and his conduct is satisfactory, he is continued, and seldom changed, except when promoted as a representative to another government. To such, diplomacy becomes, in fact, a life occupation, and long service gives them sometimes an advantage, and especially in the forms and ceremonies usual at courts, and particularly in acquiring a full knowledge of the affairs of other governments, and the capacities and relations of their resident representatives, and the manner of treating the numerous questions that occur. But it is an unsettled question, whether these advantages are more serviceable to the state than the direct and manly mode of presenting and dealing with questions common to our less experienced but talented representatives abroad. As far as history proves any thing on the subject, we think it shows that American ministers abroad have been quite as successful in their missions as the representatives of any other nation, and with fewer diplomatic entanglements.

MINISTERS RESIDENT.

Ministers resident are seldom mentioned among the representatives abroad. They represent our government substantially the same as ambassadors, and envoys extraordinary, and ministers plenipotentiary. They rank next below the latter. Their manner of intercourse with foreign governments, and

their powers, duties, and privileges, are the same. They reside at the places where sent, precisely the same, and are recalled in the same manner. They act under similar general regulations and instructions.

We have ministers resident at the following courts: Portugal, Belgium, Netherlands, Denmark, Sweden and Norway, Switzerland, Rome, Turkey, Liberia, Japan, Hawaiian Islands, Hayti and San Domingo, Nicaragua, Costa Rica, Guatemala, Honduras, San Salvador, United States of Colombia, Venezuela, Ecuador, Uruguay, Argentine Republic, Paraguay, and Bolivia, with salaries of seven thousand five hundred dollars each.

The salaries of all our representatives abroad are paid in gold.

COMMISSIONERS, (DIPLOMATIC.)

These are officers unknown in the diplomacy of ancient times, and were first established by acts of Congress. Their duties are mainly of a diplomatic character. Their rank is next to ministers resident. At some courts, special duties are assigned them by statute; but their principal functions are under general regulations and instructions issued by the President, through the State Department.

The official register of that department does not show that we have at this time, (1869,) any commissioner representing our government abroad.

When employed, their salary is the same as ministers resident—seven thousand five hundred dollars per annum.

CHARGES D'AFFAIRES.

These are not diplomatic agents sent by one government and accredited by another to perform the duties of a full representative. They are persons, as the name implies, confided in by a departing minister, usually his secretary of legation, to take charge of the affairs of the legation, to preserve the books, papers, and records belonging to it, and to perform such duties as necessity requires, until a minister arrives to take charge. He is not accredited to the sovereign, but to the Secretary of State for Foreign Affairs, by the retiring minister, or by our Secretary of State. While acting, he is entitled to the same privileges and protection as a minister. In addition to the general charge of affairs, he executes all such special instructions from his government as he may receive. His rank is next to commissioners, and his salary five thousand dollars.

The official register does not show any person holding this office at the present time, (1869.)

SECRETARIES OF LEGATION.

The acts of Congress impose no special duties upon a secretary of legation; but they authorize

him to administer oaths, and act as notary public, at the post where employed.

The name of the office implies its principal duties. He renders the minister such assistance as he may desire. He copies and records all such papers and proceedings as may be necessary, and attends to various matters of form, etiquette, and ceremony, as his principal may deem proper. He performs much of the manual labor of the mission, leaving its head to devote his time to the more important duties committed to him.

Secretaries are provided only at the more important foreign courts. They are authorized at the present time at the following places: London, St. Petersburg, Paris, Madrid, Lisbon, Brussels, The Hague, Copenhagen, Stockholm, Berlin, Vienna, Berne, Florence, Rome, Constantinople, Peking, Mexico, Nicaragua, Guatemala, Bogota, Caraccas, Quito, Rio de Janeiro, Buenos Ayres, Asuncion, Santiago, Lima, and La Paz.

But some of the places are not now actually filled.

At London and Paris there is an assistant secretary of legation. His duties are such as are naturally implied from the words used to designate the office.

CONSULS.

The word consul, as used in commerce and international law, is derived from a Latin term, meaning to consult. A consul is a public agent

appointed by the government, under our constitution and laws, to reside in a foreign country, generally at seaports, to watch over the commercial rights, privileges, and interests of our citizens, and to give such advice, aid, and assistance as they may need, under certain rules and regulations prepared for that purpose.

Although not public ministers, they are allowed certain privileges and immunities in all civilized countries. They are the guardians and protectors of our commerce in the countries where they reside, and essentially contribute to the protection of the rights of seamen, their vessels and cargoes, at the place where stationed, when questions are raised concerning either.

The office of consul is one of the highest importance to American citizens abroad, and much depends upon their knowledge, ability, and integrity. When appointed, they are furnished with a large number of forms and instructions. A description of all their duties would fill a volume. A portion of them only will be briefly stated.

They receive protests, or declaratory statements, which captains, masters of vessels, crews, passengers, merchants, and others wish to make relating to American navigation and commerce.

They are required to administer upon the estates of American citizens dying within their consulates, and leaving there no legal representatives, when the laws of the country permit.

They take charge of and secure the effects of stranded American vessels, in the absence of the master, owner, or consignee.

They settle disputes between masters of vessels and the mariners on board.

They provide for destitute seamen, within their consulates, and send them home to the United States, at the expense of our government.

They make certificates concerning certain official matters they have in charge, which receive full faith and credit in our courts.

They report to the State Department the death of American citizens dying within their consulates.

They also report to him the prices current of merchandise exported from the country where they reside, and all such commercial information as they deem useful.

They grant to masters, owners, and others all such consular certificates as are required by our revenue laws, and verify invoices when necessary ; and notify the Treasury Department of all attempts to defraud the revenue that come to their knowledge.

The masters of all American vessels are required, when they arrive in a foreign port where we have a consul, to deposit their ship's papers, which the consul retains until the vessel is regularly cleared, and until the payment of all demands and wages on account of such vessels.

When written complaint is made that a vessel in a

foreign port is unfit, or not properly supplied to go to sea, the consul requires a survey or examination to be made, and if found true, he is authorized to discharge such seamen as desire it, and to compel the master to pay up their dues, and one month's wages in advance.

In case of mutiny by sailors, the consul causes them to be arrested and sent home for trial.

He hears and determines upon all complaints by seamen against the master of a ship.

They obey all instructions from our minister, within whose limits they are employed.

Where there is no American legation present, nor consul-general, consuls are authorized to issue passports to American citizens, under their consular seal.

Special duties are imposed on our consuls in Morocco, Tripoli, Tunis, Turkey, China, and Muscat, under the laws of Congress, which are not applicable to other places.

With the consent of the local government, there may be superadded to the duties of consul those of a minister.

Formerly, consuls received authorized fees for their compensation. At minor ports they are still compensated in the same manner. But at all others, they receive salaries varying from one thousand to seven thousand five hundred dollars. Fees are still paid by those transacting business with consuls,

which are accounted for at the Treasury Department by those receiving salaries.

When within the limits of a consul-general's jurisdiction, consuls transmit their correspondence to the departments through him.

Consuls formerly engaged in trade, commerce, or some other business, for which their official positions gave them great advantages. This is now prohibited, by statute, in nearly all cases, to the end that they may devote all their time and attention to their official duties.

Consuls-general and consuls are appointed in the same manner as ambassadors and ministers.

At a limited number of ports the consuls are allowed interpreters and clerks, who are compensated by the government.

CONSULS-GENERAL.

There are seven consuls-general created by the act of Congress of 1854, at the following places :

Havana, Calcutta, Quebec, Simoda, Constantinople, Alexandria in Egypt, and Frankfort-on-the-Main, with salaries varying from six to three thousand dollars.

Their general duties are those appertaining to the office of consul.

In addition, they are required to give advice in all cases to the consuls within their limits, when requested, in relation to their duties, and to receive and transmit their correspondence to the departments.

They also, when they deem it necessary, recommend the appointment of consular agents.

They are not permitted to engage in trade, commerce, or business.

VICE-CONSULS, COMMERCIAL AGENTS, AND VICE-COMMERCIAL AGENTS.

These are appointed by the President or Secretary of State. They perform certain of the duties of consuls under them, and at such places as they may direct. Their compensation is derived from that of their principal.

They are sometimes employed to perform the duties of consul when that officer is sick or absent. But they are most usually employed at places not deemed sufficiently important to require the services of a full consul.

From what has been stated, it is certain that consuls are a very necessary and useful class of officers. Without them, commerce, the rights of masters, seamen, and owners would soon become entangled, and fall a prey to rapacity and injustice, without the means at hand of solution or redress.

CHAPTER XXXII.

THE SECRETARY OF THE TREASURY.

THE office of Secretary of the Treasury was established at the commencement of the constitutional government in 1789. Its prominent duties remain unchanged, though some have been since added and others taken away. The business and prosperity of the country are more affected by his recommendations and acts than by those of any one of the other heads of departments, and, probably, than all of them. His financial policy raises or depresses the money market, and his recommendations concerning tariffs and manufactures deeply affect the commerce and business of the country. Internal taxes, which to a great extent deeply concern every interest of the people, are, to a considerable extent, imposed by Congress in conformity with his recommendations. His action in buying and selling coin or currency, since the creation of the present national banks, very essentially affects the value of both in the hands of holders. He is more potent for good or evil, so far as the wealth and prosperity of the country is concerned, than any other official below the President.

It is the duty of the Secretary of the Treasury to

digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit.

To prepare and report estimates of the public revenue and the public expenditures.

To superintend the collection of the public revenue.

To decide on the forms of keeping and stating public accounts, and making returns.

To grant all warrants for moneys to be issued from the treasury in pursuance of appropriations by law.

To make report and give information to either branch of the legislature, in person or in writing, as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office.

To perform all such duties, and services relative to the finances as he shall be directed to perform.

At the commencement of every session of Congress to digest, prepare, and lay before the two houses estimates of the public revenue and expenses, and plans for increasing the revenue, and from time to time to give Congress information concerning the best modes of raising money.

He causes all accounts to be settled within a year, except those arising at a distance, for which he makes special provision.

He makes estimates, in detail, of the appropriations required for the public service, which he lays before Congress at the commencement of its session, in

printed form. The materials for making these for departments other than his own are obtained on application to them.

He publishes in a Washington paper, on the first of every month, a statement of the amount in the public depositories to the credit of the treasurer, and the amount subject to draft, and the changes that have been made from one depository to another.

He also publishes quarterly statements of the amount of money received from different sources, and the expenditures made during the quarter, whether for the civil list, the army, navy, Indian office, fortifications, or pensions.

He is required to make an annual report of the money expended at each custom-house during the preceding fiscal year, and the number of persons employed, their occupation, and salary of each.

He prescribes regulations for collecting commercial statistics.

He lays before Congress annually a statement of all public contracts, the clerks employed by him, and the expenditure of the contingent fund of the department.

He can mitigate or remit fines, penalties, and forfeitures, and release public debtors from imprisonment.

The revenue cutter service is under his direction. The mint is managed under his supervision.

He lays before Congress the reports of the audi-

tors of the treasury, of the expenditure of the military and naval appropriations.

The coast survey is under his direction. He makes regulations for the execution of the warehouse acts.

He gives instructions concerning the importation of adulterated drugs and medicines, and appoints persons to examine such as are imported.

He makes regulations for transporting imported goods inland and coastwise.

He pays interest on the public debt. He establishes stations on the coast to aid those shipwrecked ; and appoints officers and provides apparatus for the purpose of aiding in the protection of vessels and goods that have been wrecked.

He receives information from the inspectors under the passenger acts, and transmits the same to Congress with such recommendation as he thinks proper.

Clerks and deputies in the custom-houses, and inspectors of the customs, can be appointed only by the consent of the secretary.

He fixes the salaries of the two former.

He decides all questions originating under the laws for the collection of fees and duties at the custom-houses.

He appoints, in addition to the clerks and messengers in his own office, all those employed in the offices of the first and second comptrollers ; the first, second, third, fourth, fifth, and sixth auditors, and in the office of the register and solicitor of the treasury,

the commissioner of the customs, comptroller of the currency, and the treasurer.

The regulations prepared by him, for the guidance of those acting under his directions in collecting the revenue, constitute a printed volume of considerable size.

He has a general supervision over the currency bureau, as well as that for the collection of the internal revenue, where clerks can only be appointed with his consent.

The accounting officers, consisting of the auditors, comptrollers, and commissioner of customs, as well as the treasurer, the register, and solicitor, perform their duties under his general directions where not regulated by statute.

All bonds issued by the government are prepared and executed under his direction.

The greenback treasury notes and fractional currency are engraved, printed, and issued under regulations issued by him. All national bank currency is prepared under the orders of the department, and issued to the banks through the comptroller of the currency, when they have complied with the law in depositing government bonds with the treasurer.

He holds a large amount of trust funds belonging to Indians and the Smithsonian Institution.

Besides numerous general duties devolved upon the secretary, there are very many special provisions of law which he is required to execute. Some of these im-

pose duties which are matters of form, while others are intricate and of a difficult character. The latter were quite numerous during the late war.

All the duties performed by the secretary are presumed to be done by direction of the President. General Jackson removed William J. Duane, in 1833, for refusing to comply with his directions in relation to making deposits in the United States Bank, and using those already there in paying the current expenses of the government.

The act establishing the department contains the following restraints :

That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or part of any sea-vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in said department, other than what shall be allowed by law ; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and be forever thereafter incapable of holding any office under the United States.

These provisions apply to all persons in office under laws authorizing their appointment in the department.

It will readily be seen that no one man can perform all the duties imposed upon the Secretary of the Treasury. Although provided with two assistants, even with their aid he can not investigate, understand, and control them.

Most of the officers nominally acting under his direction really act without his guidance. Unaided by capable and experienced clerks, the secretary would be able to accomplish but little.

The wisdom of imposing upon the head of a department so many duties more than he can possibly perform, has been questioned by the ablest and best business men of the country.

The salary of the secretary is eight thousand dollars.

CHAPTER XXXIII.

THE PUBLIC DEBT.

OUR public debt as well as finances is under the control of the Treasury Department. The first public debt was occasioned by the war of the Revolution, contracted partly abroad, but largely among our own citizens. To aid us, the French government guaranteed loans we made in Paris. Holland also aided us. Our own citizens became creditors for supplies and personal services, for some of which they held the written promises of the government. In 1790, Congress made provision for funding the domestic debt, and issuing the obligations of the government therefor in the form of stock. In 1795, a loan was opened, the subscriptions to which were authorized to be paid in the certificates given to our creditors abroad for money loaned our government. The obligations given under these acts, commonly called government stocks, constituted our public debt. The evidence of our public indebtedness has always been in this form, except where treasury notes and certificates of temporary indebtedness have been issued.

Treasury notes, sometimes bearing interest, and at others not, have been issued on several occasions,

they forming a portion of the public debt, to wit, during the war of 1812 ; on the failure of the State banks in 1837 ; in 1842, when the duties under the compromise act of 1832 were reduced to twenty per cent ; during the Mexican war in 1846-7 ; and during the rebellion of 1861, and afterward.

Certificates of indebtedness are given on the settlement of accounts at the treasury, bearing interest, and are usually payable at a short date, or fundable into public stocks.

Since 1846, government stocks, which are now in the form of bonds, are of two kinds, payable at some future day. One is called "registered," and the interest is paid on the express directions given, when due, by the register of the treasury, and the other has "coupons," being certificates of the interest payable at different times while the loan runs, which are cut off and presented at the treasury, or to an assistant, on which the interest is paid. This class of bonds pass by delivery, and are usually preferred by those holding limited quantities. The others, which can only be transferred by certain written formalities, are considered the safest to keep, though in other respects not so convenient.

The public debt occasioned by the Revolution and the second war with Great Britain in 1812, except a few obligations not presented, was wholly canceled in 1835, during Jackson's presidency. In 1837, it began to increase, and has since varied from two millions of dollars to near three thousand millions. The

total annual expenses of the government, aside from interest on the public debt, have increased from \$1,877,903.77 to \$229,915,088.11.

The following statement is from the register of the treasury, who is the great book-keeper of the government :

Statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years to July 1, 1868.

| | | | |
|-------------------------------------|----------------|--------------|----|
| On the 1st day of January | 1791 | \$75,463,476 | 52 |
| | 1792 | 77,227,924 | 66 |
| | 1793 | 80,352,634 | 04 |
| | 1794 | 78,427,404 | 77 |
| | 1795 | 80,747,587 | 38 |
| | 1796 | 83,762,172 | 07 |
| | 1797 | 82,064,479 | 33 |
| | 1798 | 79,228,529 | 12 |
| | 1799 | 78,408,669 | 77 |
| | 1800 | 82,976,294 | 35 |
| | 1801 | 83,038,059 | 80 |
| | 1802 | 80,712,632 | 25 |
| | 1803 | 77,054,686 | 30 |
| | 1804 | 86,427,120 | 88 |
| | 1805 | 82,312,150 | 50 |
| | 1806 | 75,723,270 | 66 |
| | 1807 | 69,218,398 | 64 |
| | 1808 | 65,196,317 | 97 |
| | 1809 | 57,023,192 | 09 |
| | 1810 | 53,173,217 | 52 |
| | 1811 | 48,005,587 | 76 |

| | | | |
|-------------------------------|-----------|-------------|----|
| On the 1st day of January.... | 1812..... | 45,209,737 | 90 |
| | 1813..... | 55,962,827 | 57 |
| | 1814..... | 81,487,846 | 24 |
| | 1815..... | 99,833,660 | 15 |
| | 1816..... | 127,334,933 | 74 |
| | 1817..... | 123,491,965 | 16 |
| | 1818..... | 103,466,633 | 83 |
| | 1819..... | 95,529,648 | 28 |
| | 1820..... | 91,015,566 | 15 |
| | 1821..... | 89,987,427 | 66 |
| | 1822..... | 93,546,676 | 98 |
| | 1823..... | 90,875,877 | 28 |
| | 1824..... | 90,269,777 | 77 |
| | 1825..... | 83,788,432 | 71 |
| | 1826..... | 81,054,059 | 99 |
| | 1827..... | 73,987,357 | 20 |
| | 1828..... | 67,475,043 | 87 |
| | 1829..... | 58,421,413 | 67 |
| | 1830..... | 48,565,406 | 50 |
| | 1831..... | 39,123,191 | 68 |
| | 1832..... | 24,322,235 | 18 |
| | 1833..... | 7,001,032 | 88 |
| | 1834..... | 4,760,081 | 08 |
| | 1835..... | 351,289 | 05 |
| | 1836..... | 291,089 | 05 |
| | 1837..... | 1,878,223 | 55 |
| | 1838..... | 4,857,660 | 46 |
| | 1839..... | 11,983,737 | 53 |
| | 1840..... | 5,125,077 | 63 |
| | 1841..... | 6,737,398 | 00 |
| | 1842..... | 15,028,486 | 37 |
| On the 1st day of July..... | 1843..... | 27,203,450 | 69 |

| | | | |
|-------------------------------|-----------|---------------|----|
| On the 1st day of July..... | 1844..... | \$24,748,188 | 23 |
| | 1845..... | 17,093,794 | 80 |
| | 1846..... | 16,750,926 | 33 |
| | 1847..... | 38,956,623 | 38 |
| | 1848..... | 48,526,379 | 37 |
| On the first day of December. | 1849..... | 64,704,693 | 71 |
| | 1850..... | 64,228,238 | 37 |
| On the 20th day of November. | 1851..... | 62,560,395 | 26 |
| On the 30th day of December. | 1852..... | 65,131,692 | 13 |
| On the 1st day of July..... | 1853..... | 67,340,628 | 78 |
| | 1854..... | 47,242,206 | 05 |
| On the 17th day of November. | 1855..... | 39,969,731 | 05 |
| On the 15th day of November. | 1856..... | 30,963,909 | 64 |
| On the 1st day of July..... | 1857..... | 29,060,386 | 90 |
| | 1858..... | 44,910,777 | 66 |
| | 1859..... | 58,754,699 | 33 |
| | 1860..... | 64,769,703 | 08 |
| | 1861..... | 90,867,828 | 68 |
| | 1862..... | 514,211,371 | 92 |
| | 1863..... | 1,098,793,181 | 37 |
| | 1864..... | 1,740,690,489 | 49 |
| | 1865..... | 2,682,593,026 | 53 |
| | 1866..... | 2,783,425,879 | 21 |
| | 1867..... | 2,692,199,215 | 12 |
| | 1868..... | 2,636,320,964 | 67 |

This debt now consists of registered and coupon bonds, called stocks, by certificates of indebtedness and United States obligations known as treasury notes, now, from the color of the printing on the back, commonly called "greenbacks." It does not include unsettled claims which may exist

against the government. The usual interest on the public debt is six per cent, the same as on balances due from postmasters and other public debtors, though sometimes higher, and on one class of bonds only five per cent.

SECRETARIES OF THE TREASURY.

The following persons have been Secretaries of the Treasury :

Alexander Hamilton, of New-York, appointed 11th September, 1789, by President Washington.

Oliver Wolcott, of Connecticut, appointed 3d February, 1795, by President Washington.

Samuel Dexter, of Massachusetts, appointed 31st December, 1800, by President John Adams.

Albert Gallatin, of Pennsylvania, appointed 14th May, 1801, by President Jefferson.

George W. Campbell, of Tennessee, appointed 9th February, 1814, by President Madison.

Alexander J. Dallas, of Pennsylvania, appointed 6th October, 1814, by President Madison.

William H. Crawford, of Georgia, appointed 22d October, 1816, by President Madison.

Richard Rush, of Pennsylvania, appointed 7th March, 1825, by President J. Q. Adams.

Samuel D. Ingham, of Pennsylvania, appointed 6th March, 1829, by President Jackson.

Louis McLane, of Delaware, appointed 8th August, 1831, by President Jackson.

William J. Duane, of Pennsylvania, appointed 29th May, 1833, by President Jackson. Removed.

Roger B. Taney, of Maryland, appointed 23d September, 1833, by President Jackson.

Levi Woodbury, of New-Hampshire, appointed June 27th, 1834, by President Jackson.

Thomas Ewing, of Ohio, appointed March 5th, 1841, by President Harrison.

Walter Forward, of Pennsylvania, appointed 13th September, 1841, by President Tyler.

John C. Spencer, of New-York, appointed 3d March, 1843, by President Tyler.

George M. Bibb, of Kentucky, appointed 15th June, 1844, by President Tyler.

Robert J. Walker, of Mississippi, appointed 5th March, 1845, by President Polk.

William M. Meredith, of Pennsylvania, appointed 7th March, 1849, by President Taylor.

Thomas Corwin, of Ohio, appointed July 20th, 1850, by President Fillmore.

James Guthrie, of Kentucky, appointed March 7th, 1853, by President Pierce.

Howell Cobb, of Georgia, appointed 5th March, 1857, by President Buchanan.

Philip F. Thomas, of Maryland, appointed 12th December, 1860, by President Buchanan.

John A. Dix, of New-York, appointed January 11th, 1861, by President Buchanan.

Salmon P. Chase, of Ohio, appointed 5th March, 1861, by President Lincoln.

William P. Fessenden, of Maine, appointed July 1st, 1864, by President Lincoln.

Hugh McCulloch, of Indiana, appointed March 7th, 1865, by President Johnson.

Alexander T. Stewart, of New-York, appointed March 5th, 1869, by President Grant, and resigned without entering upon the duties of the office.

George S. Boutwell, of Massachusetts, appointed — March, 1869, by President Grant.

THE FIRST ASSISTANT SECRETARY OF THE TREASURY.

The office of Assistant Secretary of the Treasury was created when the department was established in 1789, abolished in 1792, and restored in 1849.

His duties are thus defined in the latter act: He "shall examine all letters, contracts, and warrants prepared for the Secretary of the Treasury, and who shall perform all other such duties in the office of the Secretary of the Treasury, now performed by some of his clerks, as may be devolved on him by the Secretary of the Treasury."

When the office of Secretary of the Treasury is vacant, by removal or otherwise, the assistant has the charge and custody of the books and papers appertaining to the office.

By special appointment of the secretary, he signs all warrants for the payment of money into the treasury, and all warrants for the disbursement of money certified by the accounting officers to be due

on settled accounts. His salary is thirty-five hundred dollars.

**THE ADDITIONAL ASSISTANT SECRETARY OF THE
TREASURY.**

In 1864, Congress authorized the appointment by the President of an additional Secretary of the Treasury. He is required to perform all such duties in the office of the Secretary of the Treasury, belonging to that department, as shall be prescribed by the secretary, or as may be prescribed by law. In the published regulations of the department no duties are prescribed for this officer. His salary is three thousand dollars.

CHAPTER XXXIV.

BUREAUS IN THE TREASURY DEPARTMENT.

THE business of the Treasury Department is principally done by bureaus under its direction. This subdivision tends to dispatch and accuracy, each having a responsible and competent head devoted to one particular branch.

The following are bureaus in the Treasury Department :

First Comptroller, Second Comptroller ; First Auditor, Second Auditor, Third Auditor, Fourth Auditor, Fifth Auditor, Sixth Auditor ; Treasurer ; Commissioner of Customs ; Comptroller of the Currency ; Commissioner of Internal Revenue ; Office of Statistics ; and Register of the Treasury.

They are all located in the Treasury buildings, except the Sixth Auditor, whose office is in the Post-Office Department.

2. THE COMPTROLLERS GENERALLY.

In collecting and disbursing the revenues of the government, an immense number of persons are necessarily employed, each having accounts, usually one every quarter, to be adjusted and settled. These relate to a great variety of subjects requiring minute

and careful investigation of facts, and often close scrutiny and consideration of the law. These adjustments are, in most cases, and unavoidably, without the presence of those presenting them, or any person representing the government. They are finally disposed of upon the unaided reflection of the accounting officers, upon such views and considerations as present themselves to their minds. The frequent attempts to overreach the government in accounts naturally produces some suspicion during their scrutiny. Under such circumstances, it requires an elevated and firm mind on the part of the officer to secure justice to those presenting them, when suspicions are awakened. The history of these offices shows that they have been fortunately filled in this respect.

The two comptrollers finally determine, without direct appeal, twice every year, upon the whole income of the government—first, in the accounts of those who collect the revenue, and secondly, in those of the officers who disburse it. They finally adjudicate upon hundreds of millions annually—an amount larger than is passed upon by all the courts, State and national, in the Union. Although many of this multitude of accounts present no serious or difficult questions of fact or law, still every item in them, on both sides, is examined, and its accuracy subjected to every available test before it is allowed. When a charge against the government is once admitted by either comptroller, no officer or tribunal is authorized

to reverse his decision. In theory, all items on both sides are considered as finally settled, except in a suit between the claimant and the government. The courts may then allow those against the government which the comptroller had rejected ; but they can not reject those which have been once allowed by him. The rule that the comptrollers can not revise their own decisions, and that no head of a department can reverse them, is a most salutary and useful one, though occasionally violated by those too young in office to be familiar with their duties, or the principles of action which should control.

From these remarks, it will be readily seen that the comptrollers, as judicial officers, are not inferior in importance to any other under the government ; and that their independence should be equally secured, and their services as liberally compensated. The comptrollers are appointed by the President, with the consent of the Senate, and hold by the same tenure as the Secretary of the Treasury.

3. THE FIRST COMPTROLLER OF THE TREASURY.

The office of comptroller was created in 1789, at the time of organizing the Treasury Department. In his action on accounts, he finally controls those adjusted by the auditor, and sent to him for revision.

Among his duties, he superintends the adjustment and preservation of accounts, and examines all which

are settled by the first and fifth auditors and commissioner of the customs, and determines cases of special appeals from the post-office auditor.

He keeps an account with each appropriation, and countersigns all warrants drawn by the Secretary of the Treasury on the treasurer, which are authorized by law.

He reports to the Secretary of the Treasury the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He makes regulations for the regular and punctual payment of all moneys which may be collected, and prosecutes for all delinquencies of officers of the revenue and for debts due the United States.

Where he thinks further delay would be injurious to the United States, he directs the proper auditor of the treasury forthwith to audit and settle any particular account, and to report to him for revision.

He lays before Congress annually, during the first week of the session, a statement of the accounts of the Treasury, Interior, Navy, and War Departments which may have been due more than three years, together with a statement of the causes which have prevented the settlement of the accounts, or of the recovery of the balances due the United States.

He superintends the recovery of all debts due the United States, and, through the Solicitor of the Treasury, directs legal proceedings and such measures

as are authorized by law to enforce their payment.

He reports to Congress the cases of those debtors whose accounts can not be properly adjusted, owing to defect of form, which he thinks it equitable to be removed by an act of Congress.

From the above it will be apparent that the first comptroller is a highly-important officer in the Treasury Department.

The theory of adjusting public accounts is an interesting and appropriate one. All such accounts receive a practical investigation by the office in which the duties were performed, and the facts are thus substantially established. They are then presented to the proper auditor, who acts as a judicial officer, determining both fact and law.

4. To secure a correct final decision, the auditor reports his determination, in allowing and rejecting items, to the comptroller for revision, which he usually makes without reference to what has been previously done. But in cases involving large amounts, or where the precedent may lead to important results, he prepares a statement of the facts and the point of law involved, and asks the Secretary of the Treasury to obtain the opinion of the Attorney-General upon the question of law. When the opinion of the latter is received, it usually becomes the rule of action for all accounting officers.

When the first comptroller finally adjudicates upon accounts, they, and the certificate of his de-

termination thereon, are filed in the office of the register of the treasury for preservation.

The sum finally allowed by the first comptroller is entered upon the books of the register, to which reference is had when future action is proposed.

The salary of the comptroller is thirty-five hundred dollars.

5. THE SECOND COMPTROLLER.

The second comptroller examines all accounts settled by the second, third, and fourth auditors, and certifies the balances arising thereon to the secretary of the department in which the expenditure had been incurred.

He countersigns all warrants or requisitions drawn by the Secretaries of War and Navy and Interior, so far as expenditures in the Pension and Indian Bureaus are concerned, which are authorized by law.

He reports to said secretaries the official forms to be used in the different offices for disbursing the public moneys of those departments, and the manner and form of keeping, stating, and rendering the accounts of persons employed therein. But this does not extend to the Patent and Land Offices, although under the general direction of the Department of the Interior.

He superintends the preservation of the public accounts subject to his revision, which are, in practice, filed with the auditors, whose duty it is, in the first instance, to adjust them.

The other general duties of the second comptroller are substantially the same as those of the first; extending, however, only to business in the War and Navy Departments, as they were constituted when the Indian and Pension Bureaus formed a part of them.

The aggregate amount of accounts finally settled by the comptrollers is immense. They revise the accounts of all officers who collect revenue and pay it into the treasury, and afterward of all those who expend it.

The importance of having these offices filled by able and learned lawyers and honest and industrious men can not be overestimated. This remark is also applicable to the auditors. Neither can well perform his duties without the aid of those able, honest, and industrious assistants called clerks, who serve in obscure positions without rank, and too often without adequate compensations, and upon whose fidelity they must rely in a large portion of the business which comes before them. They are the masters in chancery who scrutinize and prepare for the court the questions which are to be considered and passed upon.

The salary of the second comptroller is three thousand dollars.

6. THE AUDITORS GENERALLY.

There are six auditors appointed by the President, with the consent of the Senate, whose sole official business is the examination and settlement of accounts between the United States and individuals. There are other officials who incidentally settle such accounts. The commissioner of the customs, the president of the Senate, and the committee on accounts of the House of Representatives, and occasionally the heads of departments, are clothed with this power. But the great mass of accounts between the government and individuals are committed to the auditors, who are aided by clerks in proportion to the extent of the business brought before them.

They are furnished with evidence of the claimant's employment, performance of the service for which compensation is claimed, and the rate which he is authorized to charge. Any pertinent and proper evidence is always received. Before being presented to the auditors, a large proportion of public accounts, and especially those for disbursements and services rendered, undergo an administrative investigation in that branch of the department under which the expenditures were made, or services rendered. The result of this scrutiny accompanies the accounts when sent to the auditor.

He states the account, both debit and credit, and makes and signs his final decision, stating definitely the balance due from or to the government. If it is

in favor of the claimant, he refers to the appropriation out of which it can be paid. This statement, and the vouchers on which it is founded, he transmits to the proper comptroller for revision and final adjudication. But this is not done by the sixth, or auditor for the Post-Office Department, except in cases of appeal from his decision.

In the case of salaries due from the government to officers holding commissions from the President, the proper auditor, on examining the register of officers whose accounts are settled by him, makes out a memorandum account, and states and certifies it to the proper comptroller, who allows it.

In cases thus settled by the second comptroller, requisitions are drawn by the Secretaries of the War and Navy Department upon the Treasury Department for the amount due. On these, and on those certified by the first comptroller, the Treasury Department draws its warrant on the treasurer, to pay which he prepares a draft on a sub-treasurer for the amount, which is countersigned by the Register of the Treasury. This draft is sent to the officer, and, on being indorsed by him, is paid, the indorsement being evidence of payment.

These are the general outlines of the duties of auditors, and common to them all. Those applicable to particular auditors will be given under the proper head, with illustrations calculated to render the operations of the accounting system easily understood. •

The following duties are devolved by statute upon the second, third, and fourth auditors :

To keep all accounts of the receipts and expenditures of the public money in regard to the War and Navy Departments, and of all debts due to the United States on moneys advanced relative to those departments.

To receive from the second comptroller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates, and to record all warrants drawn by the secretaries of those departments the examination of the accounts of which is by law assigned to them.

They are required to report to the Secretary of War and Navy, when required, the condition and progress of the business assigned to them.

They are required annually, on the first Monday in November, to report to the Secretary of the Treasury the application of the money appropriated for the military and naval departments for the preceding year, that he may lay the same before Congress, with his annual report of public expenditures.

The amount of business transacted in the offices of the respective auditors may be approximately ascertained by referring to the number of clerks in each, as shown in the Official Register for 1861, which was as follows : in first auditor's office, 21 ; second, 20 ; third, 90 ; fourth, 15 ; fifth, 9 ; and sixth, 114.

7. THE FIRST AUDITOR.

This office was created when the Treasury Department was established, in 1789. There was then but one auditor, whose duties remain substantially as then provided, except as portions have been taken from him and given to five other auditors.

He receives all accounts accruing in the Treasury Department, except those growing out of the collection of the customs, examines them, and certifies the balances thereon, and transmits them with his certificate of adjustment to the first comptroller, for his final determination thereon.

Under a regulation of the department, he prepares as well as states the salary accounts of all officers commissioned by the President in the civil service, where such salary is specified in an act of Congress, and is payable at the Treasury, such as the President, Vice-President, heads of departments and bureaus, judges, etc. The first auditor settles all the accounts for salaries for persons employed in the several departments and bureaus, and the contingent and other expenses of such departments and bureaus. No other auditor has power to do so.

When the first auditor finally acts upon accounts, his duty in relation to them ends. Having exercised his special jurisdiction over them, he can not again consider and act upon cases without special authority from Congress. His salary is three thousand dollars.

8. THE SECOND AUDITOR.

The office of second auditor was created in 1817. The statute duties of this auditor, as then provided, were :

“To receive all accounts relative to the pay and clothing of the army, the subsistence of officers, bounties and premiums, military and hospital stores, and the contingent expenses of the War Department.”

By a subsequent law, he is required to receive all unsettled accounts arising out of Indian affairs, with the exception of those appertaining to Indian trade ; to examine, adjust, and transmit them to the second comptroller for revision.

Also all accounts pertaining to the clothing and purchasing department, and contingent disbursements for which no specific appropriations are made.

Also all accounts for the purchase of medicines, drugs, surgical instruments, hospital stores, etc. ; and the claims of private physicians for medical services rendered for the army where the regular surgeons can not attend.

Also all accounts relating to the recruiting service, and widows' and orphans' half-pay pensions.

When settled, he reports to the second comptroller, as in other cases, for his final determination.

When the comptroller finally acts upon cases re-

ported to him, he returns all the papers to the auditor for preservation.

He records all requisitions drawn by the Secretary of War on the Secretary of the Treasury for the payment of balances that may be found in favor of an individual, or which are for the advance of moneys to be disbursed by an authorized officer.

His salary is three thousand dollars.

9. THE THIRD AUDITOR.

This office was created in 1817, when that of accountant of the War Department was abolished. The act creating it provides that he "shall receive all accounts relative to the subsistence of the army, the Quarter-Master's Department, and generally all accounts of the War Department other than those provided for," and settled by the second auditor, and report thereon to the second comptroller.

He receives from the second comptroller the accounts, vouchers, and certificates relating to the accounts settled by him, and keeps and preserves them.

He records all requisitions and warrants from the War Department for moneys, concerning which he is authorized to settle the accounts.

He receives and audits accounts arising in the Quarter-Master-General's and Commissary-General's Departments.

Also those of officers of the army and civil agents

disbursing under the special direction of the War Department, as well as of the engineers and topographical engineers.

Also the accounts of pension agents and of arrearages due deceased pensioners, and those unclaimed for fourteen months.

Also, under the act of 1849, for horses lost in the military service.

Also accounts and claims by States, under the acts of 1861, for the reimbursement of money expended in furnishing troops to repress the rebellion.

He is required to keep and preserve all accounts of receipts, and expenditures of public money advanced, and debts due the government, in all cases which he is authorized to settle.

His salary is three thousand dollars.

IO. THE FOURTH AUDITOR.

This office was established in 1817. The fourth auditor receives and settles all accounts concerning the Navy Department, or relative thereto, and certifies the same to the second comptroller, with the accounts and vouchers for his decision thereon.

He also receives, examines, and adjusts all accounts arising out of the marine corps, and out of the navy and privateer pensions, as well as those of officers and persons employed by or under the Navy Department.

When finally adjusted by him, the second comp-

troller returns all such accounts, with their vouchers and certificate of adjustment, to the fourth auditor for preservation.

His salary is three thousand dollars.

II. THE FIFTH AUDITOR.

In 1817, the office of fifth auditor was established. His range of duties is limited. He receives, examines, and adjudicates upon all accounts accruing in or relative to the Department of State, our ministers abroad, other diplomatic agents and consuls, and of the commissioner of internal revenue, and certifies his conclusions to the first comptroller, to whom he transmits the same with the vouchers for his final determination thereon. When the comptroller acts upon them, he transmits them, with his decision, to the register of the treasury for preservation. The latter furnishes the Secretary of the Treasury with a certified copy of the adjudication of the auditor and comptroller. Where it shows a balance due to the claimant, the secretary draws his warrant in his favor for the amount found due.

Since the passage of the act of 1856, giving our consuls abroad salaries instead of fees as a compensation for their services, and requiring them to account for all fees received, the duties of the fifth auditor have been considerably increased.

Those growing out of the collection of the internal

revenue, prior to 1861, and the management of the light-houses, once devolved upon this officer, are now committed to other officers.

The duties of the fifth auditor, though not as extensive as those imposed upon some of the others, are somewhat intricate in their nature, and highly important. They involve a knowledge of matters which few have an opportunity to learn. They extend to commerce and navigation, and foreign relations, and the rights and duties of ministers, consuls, and other public agents abroad. Although there is some statute law on these subjects, a knowledge of the regulations made by the State Department with the concurrence of the President, and custom, and the usage of the service, is essential to the ready and proper discharge of his duties by the auditor. A stranger to these often, when he first learns of their existence, finds it difficult to appreciate their value and importance to the public and private interests.

His salary is three thousand dollars.

12. THE SIXTH AUDITOR.

The office of auditor for the Post-Office Department, or sixth auditor, was established in 1836, prior to which its accounts were adjusted by such persons in the department as the Postmaster-General directed.

The sixth auditor receives all accounts, except for salaries of those employed therein, arising in the

Post-Office Department, or relative thereto, including the whole mail establishment, and audits and settles the same, and certifies the balances to the Postmaster-General. The auditor's decisions are not reviewed, except on special appeal to the first comptroller, by the person presenting the account, or the Postmaster-General.

The auditor preserves all accounts and vouchers presented to him.

When required by the Postmaster-General, he prepares the official forms of papers to be used by postmasters and other officers and agents of the department concerned in the receipt and payment of money, and also the manner and form of keeping and stating accounts.

He reports to the Postmaster-General all delinquencies of postmasters in paying over the proceeds of their respective offices.

He transmits to the Secretary of the Treasury quarterly statements of the receipts and expenditures of the Post-Office Department.

He registers, charges, and countersigns all warrants drawn by the Postmaster-General upon the treasury for receipts and payments by the Post-Office Department.

He performs all such other duties in relation to the financial concerns of the department as are assigned to him by the Secretary of the Treasury.

He makes reports on the subject of the financial

condition of the department, as the Secretary of the Treasury or Postmaster-General may require.

He superintends the collection of all debts due to the Post-Office Department, and directs suits against postmasters and their sureties when he thinks proper.

He also compromises claims with the written consent of the Postmaster-General, upon such terms as he thinks proper, and, with like consent, remits fines, penalties, and forfeitures.

He keeps the accounts of the money-order system separate from postage accounts, and in such order as to show the number and amount of money orders issued by each postmaster, and the number and amount of orders paid, and the amount of fees received, and the expenses of the establishment. He settles accounts growing out of the money-order system the same as he does other accounts.

It will be noticed that the duties of this auditor are very broad, being partly judicial and final, when not expressly appealed from, and partly executive, he being clothed with the power of collecting and compromising debts, and prosecuting for and remitting fines, penalties, and forfeitures. In these latter duties he is aided by the solicitor of the treasury, and the district-attorneys. They are such as are imposed upon the comptrollers in other branches of the public service. His salary is three thousand dollars.

13. THE COMMISSIONER OF THE CUSTOMS.

The statute creating this office provides that the commissioner of customs "shall perform all the acts and exercise all the powers now devolved by law on the first comptroller of the treasury, relating to the receipts from customs, and the accounts of collectors, and other officers of the customs or connected therewith."

What these duties are can not be found in any statute. In 1792, Congress provided "that the Secretary of the Treasury shall direct the superintendence of the collection of the duties on impost and tonnage as he shall judge best."

Under this provision, Mr. Hamilton, then Secretary of the Treasury, imposed certain duties upon the comptroller, but the records of the department do not specify them. The only evidence that they were so devolved is found in a printed circular to the collectors, directing them to correspond with him, and to obey his directions, and the fact that he performed certain duties relative thereto from 1792 to 1849, when the office of commissioner was created.

Under these provisions, the commissioner performs various and important duties, and among them the following :

He receives from the first auditor all accounts for the expenses of collecting the revenue from customs, and finally adjusts them.

He gives instructions to the collectors of customs

concerning their duties, and the same is done by the Secretary of the Treasury. The boundary between their jurisdictions is found in no law or published regulation, and therefore can not be defined. Practice may have settled it in most cases, but the public are not informed, so that individuals know to which to present their business for consideration and action. His salary is three thousand dollars.

14. THE TREASURY OF THE UNITED STATES.

There was no treasury proper provided by law before or during the confederation. The act of 1789 establishing the Treasury Department provided for the appointment of a treasurer ; but no treasury, as a place of receiving, keeping, and disbursing public money, was designated. The federal government remained fifty-seven years without a treasury, until one was provided in 1846. In 1791, before the expiration of the second year of the new government, a national bank was created, to continue until 1811, with a provision pledging the faith of the government that no other bank should be created during the continuance of the charter. This bank became the actual custodian of moneys not kept by the treasurer.

In 1816, another bank was chartered by Congress to run thirty years, of which the government owned one seventh, which established branches in various parts of the country. It became the deposi-

tory of substantially all of the public money down to 1833, when President Jackson directed all future deposits to be made in certain selected State banks. This was legalized and rendered imperative by an act of Congress in 1834. In 1837, the State banks, including these, suspended payment. After three years of persevering effort, a bill passed both Houses of Congress in 1840, establishing a treasury, and providing for its location in the new treasury building, and for the appointment of assistants at New-York and Boston, and making the treasurer of the mint at Philadelphia and of the branch at New-Orleans also assistants. It was the first establishment of an actual treasury, without declaring it to be such. This act was repealed the next year, and the treasurer was left to deposit the moneys received wherever he chose, or the secretary directed.

In 1846, a treasury proper and by name was established. It directed the fitting up in the Treasury Department building suitable rooms for the treasurer and his clerks, with fire-proof vaults and safes for keeping the public moneys in the actual possession and under the control of the treasurer. These apartments were declared "the treasury of the United States." The act provides for the appointment of assistant treasurers at New-York, Boston, Charleston, and St. Louis, and that the treasurer of the mint at Philadelphia and the treasurer at the branch in New-Orleans should also be assistants—these being the principal points where the revenue was collected.

Provision was also made for the selection of certain collectors, postmasters, and receivers at land-offices to act as special depositaries.

Severe penalties are provided against defaulters, and for depositing public moneys in banks. This system, commonly called the "sub-treasury," remains in force, except the provision against depositing public moneys in banks has given place to one authorizing the Treasury Department to deposit in the new national banks and in other "specie-paying banks."

The treasurer now has spacious rooms admirably adapted for safety and the transaction of business, where he keeps not only public money, but trust funds of various kinds, including substantially all the capital of the national banks throughout the United States.

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He renders his accounts to the first auditor quarterly, and when finally settled by the first comptroller, he transmits a copy to the Secretary of the Treasury. On the third day of each annual session, he lays before Congress a like copy, and renders a true and perfect statement of the condition of the treasury.

When the secretary's warrant on the treasurer is presented to him for payment, he pays it by a draft upon himself, as a sub-treasurer, or upon one of the assistant treasurers or other depositaries, upon the presentation of which the same is paid in gold and silver, or such other currency as may be provided by law for that purpose.

The treasurer signs treasury-notes issued by the government. At the present time, the manual labor of such signing is more than he can perform, and a *fac-simile* of his signature is, in some manner, printed upon the notes.

The moneys and treasury notes and bonds belonging to the United States at Washington, or held by them in trust, are kept in a vault deemed impenetrable to burglars in the treasury building, which is always well guarded by a sleepless eye.

He keeps accounts with the assistant treasurers and depositaries of the moneys received by them for the government, and which they pay out on his drafts. Drafts issued by him, whether upon himself or upon the assistant treasurers, or other depositaries, are countersigned by the register of the trea-

surey, who keeps an exact account of the same on the books in his office.

He receives and keeps the government bonds owned by banks which are deposited for the security of the holders of national bank-bills.

He also has custody of all trust funds held by the government, as trustee for certain Indians and of the Smithsonian fund.

The coin in his office is carefully counted and weighed, and is then placed and kept in small bags, on which the amount, and whether gold or silver, is printed. It is paid out in these without further counting; the silver, whether in dollars, or halves, quarters, tenths, or twentieths, (dimes or half-dimes,) is kept in the same manner, and separately.

The treasury is well and appropriately systematized. Although the government has lost very largely by receiving useless paper of broken banks, or that which had been forged, it has never lost a dollar by the fraud or dishonesty of a treasurer.

The duties of the office require a man of business habits, who has a clear knowledge of accounts, and is methodical and indefatigable, and in business strictly honest.

His accounts and money on hand are frequently thoroughly investigated and counted by examiners appointed by the Secretary of the Treasury.

During and since the war, the duties of the treasurer have very largely increased, and especially by the issue of treasury notes and government bonds.

His salary has been very properly raised from three to five thousand dollars.

16. THE ASSISTANT TREASURERS.

The office of assistant treasurer was created by the act of 1846, which first established an actual treasury. They consist of the treasurers of the mint at Philadelphia and branch mint at New-Orleans, and officers specially appointed at Boston, New-York, Charleston, St. Louis, and Baltimore. Rooms, vaults, and safes are fitted up in the mint and branch, and at the custom-houses, and the other places, in which the public moneys are required to be deposited and safely kept until paid out upon the draft of the treasurer. But transfers from the one to the other are made by order of the Secretary of the Treasury, as the exigencies of the public service may require.

The interest upon the public debt is paid by the treasurer and his assistants. This is mainly done at the great money-centres like New-York.

Large amounts of money are also deposited with the assistants to the credit of government disbursing officers, such as paymasters in the army and navy, which they draw out on checks, as the exigencies of the service may require.

The assistants also act as pension agents.

Under the direction of the Secretary of the Treasury, some of the assistants receive deposits of gold,

and issue what are called "gold certificates," and also, when a person is entitled to payment at such office, in gold, he can elect to receive them in payment. These are convenient in commercial and financial matters, and save the actual handling and counting coin.

The act establishing these offices has been in force twenty-two years without a default having occurred in either of them. Their salaries vary from twenty-five hundred to six thousand dollars.

17. OTHER DEPOSITARIES, OR FISCAL AGENTS.

The act of 1846 authorizes the constituting of other depositaries of the public moneys. Their duties, in many particulars, are the same as those of the treasurer and assistants, and are thus specified by statute :

"That the treasurer of the United States, the treasurer of the mint of the United States, the treasurers and those acting as such, of the various branch mints, all collectors of the customs, all surveyors of the customs acting as collectors, all assistant treasurers, all receivers of public moneys at the several land offices, all postmasters, and all public officers of whatsoever character, be and are hereby required to keep safely, without loaning, using, or depositing in banks, or exchanging for other funds, than as allowed by this act, all the public money collected by them, or otherwise at any time placed in

their possession or custody, till the same is ordered, by the proper department or officer of the government, to be transferred or paid out ; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the government which may be imposed by this or any other acts of Congress, or by any regulation of the Treasury Department made in conformity to law ; and also to do and perform all acts and duties required by law, or by direction of any of the executive departments of the government, as agents for paying pensions, or for making any other disbursements which either the heads of those departments may be required by law to make, and which are of a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them."

Under this provision of the act, numerous officers have been selected, and given security to perform the duties thus imposed. All depositaries are made subject to penal provisions of a stringent character for violating certain provisions of the act. Their places of business practically form a portion of the treasury of the United States, and they constitute the aids or assistants of the treasurer, who is located in the Treasury Department.

Ample provision is made for the examination of the accounts of all depositaries, from time to time, and when the moneys on hand are found to be defi-

cient, and are not paid over on demand, the depository is declared guilty of embezzlement.

Taking a receipt and transmitting it for allowance at the Treasury Department, where the whole amount thereof has not been paid, or not paid in the funds received for disbursement, is declared to be a criminal offense, and all persons advising or participating in such acts are liable to indictment, and to be fined and imprisoned.

A law of 1863 authorizes the Secretary of the Treasury to use the national banks as depositories of public moneys, except those received from customs, which are paid in coin. This is, in fact, an enlargement of the treasury, by the addition of sixteen hundred and eighty-five new depositories, the present number of banks. Should this permissive authority be exercised, the harmonious system of 1846 will be virtually destroyed, and the old pet bank system, with all its favoritisms, will be essentially restored, and the public moneys subject to all its hazards.

18. THE REGISTER OF THE TREASURY.

This office was created when the Treasury Department was established in 1789. It was designed to be the central book-keeping office of the government and the depository of all settled accounts. Subsequent laws have directed that the accounts of the War, Navy, and Post-Office Departments should be kept by the auditors who settle them. Complete re-

cords of the receipts and expenditures of the government are now kept by the register in suitable books.

When accounts are finally adjusted by the first and fifth auditors, and passed upon and admitted by the first comptroller, they are, with the vouchers and certificate of settlement, filed with the register for preservation.

He records all warrants for the receipt and payment of money at the treasury.

He transmits to the secretary copies of the certificates of balances found due individuals on accounts finally adjusted by the first comptroller, on which the secretary draws his warrants for their payment.

He prepares, signs, and seals all ships' registers, and licenses and enrollments, which, when countersigned by the proper collectors, are issued to ships and vessels, without which they are not permitted to go to sea.

He receives from the collectors of the customs returns of all ships, vessels, and steamboats built and used or lost or destroyed, as far as made known to that officer, from which he compiles the annual tonnage statements which are published.

The collectors also make and transmit to him statements of the number and tonnage of ships, vessels, and steamboats in which importations and exportations are made, and also an account of the various importations from and exportations to foreign countries, specifying the various articles and

their value from which are compiled our annual commercial statistics.

He also compiles annually a statement for Congress, showing the receipts and disbursements of the public revenue.

He keeps an account with each appropriation made by Congress, and charges against it each warrant for money drawn on account of it.

He certifies each warrant drawn by the secretary upon the treasurer, and countersigns each draft drawn by the treasurer upon himself, his assistants, or public depositaries.

He makes out, signs, and superintends the issuing of all stocks or bonds of the United States, and the transfer of such as are without coupons and recorded in his books.

He also signs all treasury-notes, and also prepares the statements upon which the interest on the public debt is paid by the treasurer, his assistants or public depositaries, and pays arrears of interest upon all ancient loans.

He has custody of all the ancient loan-books and papers connected with such loans, as far as they exist.

He keeps the great ledgers, which show the whole receipts and expenditures of the government. These are made up from regular day-books and blotters, and are annually balanced.

He has custody of a large tin box which contains the settled accounts of General Washington, accruing during the Revolutionary war. These papers

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234 BUREAUS IN THE TREASURY DEPARTMENT.

forming its duties as to meet the expectation of those who pay the internal revenue.

His salary is six thousand dollars.

22. THE DEPUTY COMMISSIONER OF INTERNAL REVENUE.

There are three deputy commissioners of the internal revenue. The first is appointed by the President with the consent of the Senate. He is charged with such duties, in the bureau, as may be prescribed by the Secretary of the Treasury, or required by law. He acts as commissioner in the absence of that officer. He is authorized to frank all letters and documents pertaining to the bureau.

The commissioner, under the direction of the Secretary of the Treasury, is authorized to appoint two additional deputy commissioners. These perform such duties as are required of them by the commissioner.

The first deputy receives a salary of thirty-five hundred dollars, and the second and third, three thousand each.

23. ASSESSORS OF INTERNAL REVENUE.

An assessor is appointed by the President, with the consent of the Senate, for each congressional district, for each territory, and one for the District of Columbia. He divides his district into convenient sub-districts, for each of which he appoints assistants. All communications between the com-

missioner and those engaged in making assessments are through the principal assessor. He receives instructions, and communicates them to his assistants, and they communicate to the department through him. He receives and communicates their reports. The assistants proceed through their districts, and ascertain and assess all who are liable to taxation on their incomes, manufactures, or for licenses to transact certain taxable business. All such are reported to the assessor, and by him to the collector. The assistant is furnished with printed blanks, showing what is assessable, and the manner and form of reporting them by the assessed to the assistant. When these are all filled out and sworn to, they are received and returned by the assistant to his principal, and by him copied and sent to the commissioner. These duties are not free from difficulties, as numerous questions arise of no easy solution. These are often transmitted, through the assessor, to the commissioner, for final decision, which, when adverse to the party assessed, he not being present to be heard, is the cause of much complaint. The amount of taxes collected in every congressional and other district depends upon the extent of the assessment. This shows the importance of this office, and the necessity of intelligence and integrity in those engaged in making them. The rights of the assessed and the government depend upon them.

24. COLLECTORS OF INTERNAL REVENUE AND DEPUTIES.

Collectors of internal revenue are appointed in the same manner as assessors, and there is one for each assessment district. He is the organ between the commissioner and his deputies, who actually collect the taxes which are imposed by the assessor. He receives a statement of the amounts to be collected, and places it in the hands of his deputies for actual collection. When received, he deposits the money as he may be instructed by the commissioner. His duties require care and fidelity, but are not as diversified and difficult as those of the assessor. The latter determines what shall be assessed and the amount to be collected, and the former merely collects such amount. In many cases, the pecuniary responsibility is very great, for which fidelity and honesty are the principal guarantees.

25. THE COMPTROLLER OF THE CURRENCY.

This office was first created in 1864, as a part of the means of supplying a national bank paper currency. Prior to this, the federal government had attempted no control over the currency except, under the constitution, "to coin money, and regulate the value of foreign coin." The banks authorized by the acts of 1791 and 1816 were authorized to issue bills which the government was bound to take, but citi-

zens were not required to receive them. Treasury notes were authorized and issued during the war of 1812, and the bank suspensions of 1837, and the war with Mexico; but until the act of 25th February, 1862, such notes were neither declared "lawful money" nor made "legal tender" in payment of debts. At first, these were authenticated by the written signatures of the treasurer and register of the treasury; now both are merely printed. This, and subsequent acts, declared them lawful money and a legal tender, except in payment of duties at the custom-houses, and for interest on the public debt. All such notes of the early issues were made fundable in six per cent gold interest-bearing bonds; and in 1864, these bonds or stocks were made the foundation of a new national banking system, which eventually, through taxation, swept out of existence all the old State banks, with some three or four exceptions. This new system, now embracing some seventeen hundred banks, was, by the act authorizing its creation, placed under the direct management of the comptroller of the currency, subject, in form, to the general supervision of the Secretary of the Treasury, an officer previously overloaded with official business, and having no time to supervise.

The comptroller of the currency is appointed by the President, on the recommendation of the Secretary of the Treasury, with the consent of the Senate, for the term of five years, unless sooner removed by the President. He gives bonds with sureties for the

faithful performance of his duties. He is forbidden to be interested in any banking association. When one is formed under the act of Congress, he determines the name it shall bear. When a banking association is organized, he is notified thereof, examines and ascertains the amount of capital paid in, the names and residence of the directors, and whether the law has been fully complied with. The association is required to deposit registered United States bonds with the treasurer, to be held in trust to secure its circulating notes. Until this is done, he does not authorize it to commence business. When it is attended to in a manner satisfactory to him, he has dies made, notes engraved and printed, with the engraved signatures of the treasurer and register to a certificate that the same is secured by government bonds, and delivers to the association such bills to the extent of ninety per cent of the amount of bonds deposited with the treasurer. These bills are then signed by the bank officers, and may be put in circulation. Each association is bound to receive, at par, the bills of all other associations, and the government is bound to take them, except at the custom-houses for duties.

The comptroller may issue new bills in lieu of those worn or damaged. The banks are required to make frequent reports to him, from which he compiles abstracts and publishes them. He has the custody and control of the plates on which the notes of the associations are printed. If an association fails

to pay its notes on demand, payable in legal tender treasury-notes, the holder protests them and notifies the comptroller, who can require it to stop business. He is authorized to send special agents to examine into the condition of all national banking associations. For specified causes he can declare the bonds deposited as security to be forfeited, and proceed to sell them. When he does this, he notifies the holders of notes to present them to the treasurer, who will pay them, but only in legal tender treasury notes. The comptroller then proceeds to sell the deposited bonds to the amount necessary to make up the sum the government has paid for the bank, and expenses. If he deems it proper, he appoints a receiver to close up the affairs of the bank. He reports annually to Congress the condition of the banks. The act specifies numerous other less important duties which he is required to perform.

26. From the above, it will be seen that the office of comptroller of the currency is one of the very highest importance. Every citizen is interested in the wise, skillful, and honest performance of its duties. The value of the currency in our pockets may be seriously affected by his action, if careless or inefficient. He really needs the number of eyes of the fabled Argus, and as many heads and hands as the mythological Briareus, fully to perform all the duties imposed upon him by the act creating the office.

CHAPTER XXXV.

I. OFFICERS AND BUSINESS UNDER THE DIRECTION OF THE TREASURY DEPARTMENT.

BESIDES the bureau officers already mentioned, there are a large number of others connected with and under the general direction and control of the Treasury Department. The following are among them :

Collectors of the customs, naval officers and surveyors, inspectors, weighers, gaugers, and measurers.

The revenue marine corps.

Light-house Board and light-house keepers.

The Coast Survey and health regulations.

The mint and coinage.

Weights and measures.

Federal statistics.

2. COLLECTORS OF THE CUSTOMS.

Our seaboard and frontiers are divided into some eighty collection districts, for each of which there is a collector of the customs, appointed by the President, with the consent of the Senate. Their term of office is four years, unless sooner removed. They

give bonds for the faithful performance of their duties. Their compensation is derived from fees of office and a percentage on the amount of their collections ; but limited at the different posts, so that no one receives over six thousand dollars. They, in addition, share in the fines, penalties, and forfeitures arising in their respective districts, which is designed to increase their vigilance in preventing smuggling and frauds upon the revenue. At some posts these amount to very large sums.

Vessels sailing from the United States obtain from the collectors written permits to leave, called clearances. Sailors obtain from them certificates of their nationality, usually denominated protections, as they serve to secure them the privileges of American seamen. They also certify to the correctness of the account of the goods on board the vessel, called manifests, or bills of lading.

They issue registers to ships, which specify the description and nationality of such of our vessels as are going to foreign countries, and grant licenses to those engaged in trading up and down our coasts.

They keep accounts of all vessels built within their district ; of those arriving and departing, giving their character and description, whether domestic or foreign ; and report the same to the register of the treasury. They also make to him returns of imports and exports at their ports, from all of which the commercial statistics are compiled.

When vessels arrive from abroad, the collector receives manifests of the entire cargo, upon which the duties upon each article are computed.

When a vessel arrives with goods from a foreign country, they must be entered and the duties paid before landing, unless they are put into a public warehouse. The entry consists of a written statement, containing the name of the vessel and that of her master, the name of the port whence the goods were imported, the particular marks, numbers, denomination, prime cost, including charges, the quantity and quality. The importer also produces the original invoices of the goods, or other documents in lieu thereof, with the bills of lading.

The duties upon each article are computed separately. As purchases abroad are often by weights and measures, and in currencies different from ours, the computation of duties is often a complicated and difficult matter. Sometimes the true cost of goods imported is not given in the bills of purchase, false ones being introduced showing a less cost. It requires a knowledge of commerce and prices abroad to detect such frauds. Goods are sometimes entered with the privilege of exporting them to foreign countries ; when done, the duties are refunded. This is called entering for benefit of drawback—drawing back the duties—and the goods are called debenture goods.

To aid the collector in the performance of his duties, besides the necessary clerks, the government furnishes, at the larger ports, appraisers, weighers,

gaugers, measurers, and inspectors of drugs and medicines, who are compensated by fees. They are also allowed deputies and general inspectors, often called tide-waiters. The latter go on board vessels, ascertain whether the cargoes agree with the papers produced to the collector, and, in cases of importations, they retain the control of the vessel until the goods are all delivered. Gold and silver, though not subject to duty, are included among imports and exports the same as merchandise.

The collector reports all his proceedings to the Treasury Department.

The importance of the office of collector of the customs will be understood when it is known that the whole of our revenue from importations passes through his hands. In the city of New-York, considerably over a hundred million of dollars pass through the hands of one man annually. This shows what caution and consideration should be exercised in selecting this class of officers. Collectors hold their offices for four years, unless sooner removed.

3. NAVAL OFFICERS.

These are civil officers of the customs, and have no connection with the navy, as the name seems to imply. Theirs is a case of misnomer. They are appointed in the same manner as collectors, but only at the larger ports, and for the term of four years, if not sooner removed. They receive no duties, but are in fact checks upon the collectors.

They receive copies of all manifests and entries, and estimate the duties on all goods, wares, and merchandise subject to duty, and keep a separate record thereof.

They countersign all permits, clearances, certificates, debentures, and other documents to be granted by the collector.

They examine the collector's abstract of duties and other accounts of receipts and expenditures, and if found right, they certify the same.

They make full returns of their action in performing their duties to the Treasury Department.

Their compensation is derived from fees, and is limited in the same manner as those of the collectors. They also share in the proceeds of all fines, penalties, and forfeitures, in their respective districts.

This office is one of the highest importance in securing the revenue from customs, and requires industry, capacity, and integrity. The naval officers stand sentinels over the collectors in the performance of their duties.

4. SURVEYORS.

The surveyors are appointed in the same manner and for the same period as the collectors, and are compensated in the same way. They are located only at the larger ports. They are revenue sentinels, and their duties are mainly outside the custom-house.

They superintend the inspectors, weighers, measurers, and gaugers within their ports, and report to the collector those who fail to perform their duties.

They visit and inspect all ships and vessels which arrive, and make returns thereof in writing to the collector. They place on board ships and vessels inspectors of the customs, immediately upon their arrival, who remain on board until permission is given by the collector to land the goods.

They examine and ascertain the quantity and quality of spirits, wines, and teas on board, and grant certificates thereof, and also make report of the same to the collector.

They superintend the lading of all vessels, when receiving cargoes, of domestic or debenture goods.

They provide the instruments used for weighing, measuring, and gauging, and are responsible for their accuracy.

The surveyors share equally with the collectors and naval officers in the proceeds of all fines, penalties, and forfeitures within their respective districts.

It will be seen that the surveyor, another misnomer, is a very important aid to the collector in the performance of his duties, and that he is the most prominent watch to prevent frauds upon the revenue. Much depends upon the fidelity of those appointed to assist him in the performance of his duties,

5. WEIGHERS, MEASURERS, AND GAUGERS.

In casting the duties payable on imported merchandise, it is often necessary to ascertain the weight or measure of articles both liquid and dry. To secure promptitude and accuracy in the performance of these duties, the law authorizes the collectors, with the consent of the Secretary of the Treasury, to appoint weighers, measurers, and gaugers, who are compensated by fees paid by the importer.

The *weighers* ascertain the weight of all articles where the duties are so much per pound, hundred, or ton, as sugar, coffee, and iron.

The *measurers* ascertain the quantity, in whatever form it may be presented, of things bought and sold by dry measure, as grain, linseed, and canary-seed.

The *gaugers* do the same with articles subject to liquid measure, as brandy, gin, molasses, oil, and petroleum.

These offices require both skill and fidelity. They are forbidden to receive presents from those they serve.

6. INSPECTORS OF THE CUSTOMS.

Inspectors of the customs are appointed in every collection district, like deputies and clerks in the custom-houses, the weighers, gaugers and measurers, and markers, by the collector, with the consent of the Secretary of the Treasury. Their compensation is four dollars per day. They are stationed along the

coast and frontiers, to guard against smuggling. They are in fact, to a great extent, the eyes of the custom-house, and especially upon the lake frontier. Although they receive a low grade of compensation, their duties are highly important, and upon their fidelity much depends. They, in fact, superintend, under the surveyor, the lading and unlading of all ships and vessels departing and arriving at the ports where they are employed, as well as watch those who seek to introduce foreign goods without paying the duties required by law.

7. THE LIGHT-HOUSE BOARD.

In the earliest ages, lights were exhibited on headlands, and other places, as guides to the mariner. These were followed by light-house towers, some being of great height. Among these were the towers of Sestus, and Abydos, the colossus at Rhodes, and the tower on the island of Pharos off Alexandria, whose immense height, claimed by some to be five hundred feet, caused it to be classed as one of the wonders of the world. In most countries, the establishment of light-houses, buoys, and beacons is under the government. Formerly, even in our own country, money was collected on ships and vessels arriving, called "light-money," because applied to the support of light-houses, which were useful to all navigators. These expenses are now defrayed by the treasury. The duty of erecting and superintending

light-houses, buoys, and beacons, after having been placed in different hands, was, in 1852, committed to the Secretary of the Treasury, and certain high officers in the army and navy, who constitute the "Light-house Board." To these have been added the superintendent of the Coast Survey and secretary of the Smithsonian Institution. This board has charge of the location, erection, management, and superintendence of the whole establishment. They determine the location and color of the light, whether stationary or revolving, and its peculiar construction. They direct where buoys shall be placed, their form and color, and where beacons shall be erected, and how managed. They determine where boats, with lights upon them, shall be stationed, and when and where fog-bells shall be rung when the misty state of the weather shall require it. They require detailed reports from those employed as inspectors and agents, and especially as to the performance of their duties by light-house keepers. Vessels desiring it, are supplied with descriptions of the location of the lights, buoys, and beacons, etc., and of their character, so that the navigator may not be misled, but guided in the direction he wishes to go. The whole machinery of this establishment has been well systematized, and works admirably. Our government has performed its whole duty on this subject. The establishment extends from Maine to Texas, from Southern California to Northern Alaska, and the whole length of the northern lakes, and is every-

where highly useful. It diminishes the hazards of commerce and the rates of marine insurance. The Secretary of the Treasury is the official head of the Light-house Board, and estimates and provides for its expenses.

8. REVENUE MARINE CORPS.

When the duties at the custom-house are high, the temptation to smuggle is great, and increased facilities for the protection of the revenue become necessary. Revenue-cutters, small armed sailing vessels, officered and manned by a small force, were authorized in 1799, to aid the collectors in discovering attempted fraud, and in making seizures. Steam vessels are now authorized. These vessels are light, and so constructed as to penetrate bays and inlets, and wherever else smugglers may resort by water. Their general expenses are paid out of the revenue derived from the customs. As an inducement to vigilance, the officers and men employed share in the forfeitures that may result from their exertions. These vessels coöperate with the navy, whenever they are so directed by the President. Although ordinarily under the direction and control of the Secretary of the Treasury, when employed to assist the navy, their expenses are borne by the Navy Department, and are under the direction of its secretary.

When not so employed, the officers are declared to be officers of the customs, and are under the control

of such collectors as the Treasury Department may direct. They are authorized and required to go on board all ships and vessels which shall arrive in the United States, or within four leagues of the coast thereof, if bound therefor, and to search and examine the same, and every part thereof, and to demand, receive, and certify the manifests of the cargo. They are authorized, when necessary, to use force to bring vessels to, for the purposes of examination and search. The officers in this service are appointed by the President, with the concurrence of the Senate.

These vessels are also employed to aid the distressed in cases of disaster or shipwreck by storms or casualties. This duty is performed by direction of the President, as incidental to those specified in the statute. The rates of their compensation are far below that of similar grades in the navy.

9. THE COAST SURVEY.

Commerce has been the great civilizer of the world, and has proved the most successful instrument in the diffusion of the arts, sciences, and general knowledge among mankind. Those nations doing most to cherish and diffuse it have attained the highest eminence. Commerce is the means by which agriculture and manufactures become a success. To aid her great purposes, our coasts are lighted up. But more is wanting. The mariner needs an accurate knowledge of the islands, reefs, shoals, head-

lands, bays, and coasts where he ventures. Private enterprise is not equal to furnishing it. It could not be well supplied as incident to the naval service. To meet these wants of commerce, Congress, on the recommendation of Mr. Jefferson, in 1807, authorized the President to cause a survey to be taken of the coasts of the United States in which should be designated the islands and shoals, with the roads or places of anchorage within twenty leagues of any part of the shores of the United States ; also the respective courses and distances between the principal capes or headlands, together with such other matters as he might deem proper for completing an accurate chart of every part of the coast. He was further authorized to cause St. George's Bank and other banks and shoals to the Gulf Stream, to be surveyed. He was authorized to employ the officers of the army and navy in the prosecution of the work. Our troubles with England, which were followed by the war of 1812, nearly defeated the great object in view.

This work required the most accurate scientific knowledge, patient industry, and unwearied perseverance. The outlines of this great work were planned and commenced by Professor Ferdinand R. Hassler, a native of Switzerland, who subsequently had charge of constructing our standard weights and measures. His greatest difficulty was to secure a measure for his base-line which would not change a hair's-breadth by the action of heat or cold. If his base-line was not exactly accurate, the work would be erroneous in

proportion to its extension. He finally overcame all difficulties, and the great work, so useful to navigation, was commenced, and a base line established on Long Island, near the harbor of New-York, in 1817. The work was suspended until 1832, when it was resumed, and again committed to his charge. He continued to conduct it until his death in 1843, when it was transferred to A. D. Bache, a grandson of Dr. Franklin, who stood deservedly high as a citizen and scientific and business man. On his death in 1867, Benjamin Pierce, another gentleman of high character, succeeded him as superintendent. This work has proved a success. Nearly every part of our extended coast has been surveyed, and accurate charts drawn. These are engraved and enlarged and modified as the work progresses. The Coast Survey Office has now accurate charts prepared from actual surveys of nearly the entire sea-coast of the United States. It will soon have the whole completed, including the inland seas or great lakes.

The superintendent makes annual reports of great interest and value, showing the operations of this branch of the public service, and the progress of the work committed to his charge. They are accompanied by new and improved charts, which are printed for distribution.

These show not only the headlands, islands, and coasts, but the channels, buoys, and light-houses, so that a well-informed and careful mariner need not mistake his whereabouts, or fail to know the road to

safety. There is but one danger which can not be guarded against by the coast survey—the continual changes of the sands of the sea by the action of the water in filling old and forming new channels. These changes are usually understood by good pilots, and the dangers feared avoided. We have reason to be proud of our success in the coast survey. When first inaugurated, it was committed, by President Jefferson, to Mr. Gallatin, as properly connected with and essential to commerce and navigation. Subsequently, in Mr. Adams's time, it was placed in the hands of the Secretary of the Navy. In General Jackson's, it was restored to the Treasury Department, and has continued under the direction of the secretary until the present time.

10. THE MINT AND COINAGE.

From the earliest ages, nearly every nation has made coins for the convenience of its people, of such metals as its circumstances or convenience permitted, from gold and silver down to iron. The vanity of sovereigns is usually displayed upon their face in the form of supposed likenesses. Few travelers are so much skilled in coins as to be able conveniently to make change at all places in a journey around the world.

In the constitution of the United States it is expressly provided that Congress shall have power to coin money, regulate the value thereof and of foreign

coin. Hence, within our limits, our laws regulate the whole subject, so that all may understand it.

As early as 1792, Congress passed an act designed to carry into effect these powers. They sought to secure coin, and for that purpose established a mint as an instrument for its production. Under it, the President appoints, with the consent of the Senate, a director of the mint, a treasurer, an assayer, a melter and refiner, a chief coiner, and an engraver, whose general duties are indicated by the name of their offices. They are sworn faithfully and diligently to perform their duties. Gold and silver bullion is received at the mint to be assayed, and also to be coined, for which certain charges are made. Fifteen pounds of silver are declared to be equal in value to one of gold. In coining, one tenth of alloy is allowed; the alloy for silver to be copper, and for gold, copper and silver, one half each. The weight of each piece of gold and silver coined is carefully attended to. The machinery for coining is deemed as perfect as any in the world. The metals are reduced to flat pieces—like hoop-iron—called planchets, by rolling to the desired thickness, when pieces are punched out of the size of the desired coin. Each piece is then reduced by filing to the exact weight fixed by law. It is then placed in a machine having great power, where it receives from engraved dies the proper impressions, including the milling upon the edges. Nothing can exceed the care and accuracy of each operation, from the commencement to the conclusion.

The principal mint is at Philadelphia, with branches at San Francisco and at Denver City, and an assay-office in New-York, where gold and silver bullion and foreign coin and gold-dust are melted, refined, parted, and assayed, and cast into bars, ingots, or disks, and, if desired, sent to the mint to be coined.

From its first establishment, the mint and its branches have been under the general control of the Secretary of the Treasury, who directs their operations, and what shall be coined. The whole business is performed under regulations prepared by his direction. He causes specimens to be frequently retained from those coined, to be submitted to certain officials to determine whether the coining has been according to law.

Congress has prescribed the rates at which many foreign coins shall be received when of certain weight and fineness. Those received at the custom-houses are recoinced at the mint before being put in circulation. The silver dollars of Mexico, Peru, Chili, Central America, and Brazil are in practice received by tale. Few foreign coins are now in circulation. Most of them are treated as articles of commerce ; those of silver, with few exceptions, and all those of gold, by weight, where their exact value is not well known. Neither American nor foreign coins now circulate in this country, because all business channels are filled with a paper currency of less value, it being one of the well established laws on the subject that where there are two currencies of different value, the poorer

alone circulates, and the better is hoarded. When the expectations of those who framed and adopted the constitution, in relation to a hard-money currency, will be realized, no one can determine.

II. WEIGHTS AND MEASURES.

In all countries and in all ages, the necessity of uniformity in weights and measures has been felt. Prior to our constitution, these were far from uniform in the different States. Although the constitution confers on Congress the power to fix the standard of weights and measures, it has been only partially executed. The uniformity contemplated by the constitution has not yet been secured.

Avoirdupois weight has been established by Congress for letters and other mail matter ; but no provision has been made for ascertaining this weight, which was introduced in England, first for weighing butcher's meat, and is now used for weighing all coarse goods and merchandise, sixteen ounces making a pound. But the pound is known to be equal to seven thousand troy grains.

The old English pound troy was derived from grains of wheat ; thirty-two grains taken from the middle of the ear, and well dried, making a pennyweight, twenty pennyweights an ounce, and twelve ounces a pound. This is the weight used at the mint. In 1827, the American minister in London procured a brass troy pound weight, which was placed in the

mint, Congress declaring that it should be the standard in its transactions. The director was required to procure and keep a series of standard weights corresponding with it, consisting of one pound weight and the requisite sub-divisions and multiples thereof from the hundredth part of a grain to twenty-five pounds. These regulate the transactions of the mint and its branches.

On examination by Professor Hassler, the weights and measures at the custom-houses were found to conform to the English standards previous to 1776, and under his supervision copies of these standards were prepared and supplied to each custom-house for its guidance. There, a ton consists of twenty hundred-weight, each hundred-weight being one hundred and twelve pounds avoirdupois.

Congress also directed that the governor of each State should be furnished with a complete set of such weights and measures "for the use of the States respectively, to the end that a uniform standard of weights and measures may be established throughout the United States."

But no compulsory law establishing either, except at the mint and custom-houses, has been passed. Some States conformed to the standards proposed by Congress, while others adhered to those formerly in use.

The want of an accurate and lawful standard of weights and measures for the whole United States has long been felt, and especially in making and ful-

filling contracts. Where it is not otherwise provided by the acts of Congress or State laws, the English system prevails.

It may be proper to state that in practice, where the weight of gold, silver, and jewelry, and in philosophical experiments, and in compounding and the sale of medicines are involved, troy weight is considered the proper standard ; that in general commercial transactions and in every-day trade, including that in drugs, avoirdupois weight is the standard adopted.

Efforts are now being made to secure a uniform system of weights and measures among all commercial nations. This would be universally important. Though apparently a simple matter, positive accuracy, and which shall be the same in all places and at all times, and at all temperatures, has not been attained by those best informed on this subject. Heat and cold and the density of the atmosphere affect all known substances, expanding or contracting, or otherwise influencing them. Hence the reason why Congress has not fully acted upon these subjects. The nearest approach to perfect accuracy in the lineal measure was by Professor Hassler in his combination of metals in preparing a measure for the base-line in the coast survey.

Congress having failed to provide a system of weights and measures, New-York, among other States, has enacted one for herself of no small complexity, which was prepared with reference to the locality of old Columbia College, in the city of New-

York, which is probably as accurate as any in use in our country.

12. QUARANTINE AND HEALTH LAWS.

Nearly every country makes provision for protecting its inhabitants against infectious diseases brought by vessels from abroad. These are mostly introduced from hot and unhealthy climates. The power of regulation is incidental to that of regulating commerce with foreign nations and among the several States, conferred by the federal constitution. This power not being prohibited to the States, is rightfully exercised by them until acted upon by Congress. At the organization of the federal government, regulations existed in some of the States, and others have since been added. In 1799, Congress passed an act recognizing the quarantine and health laws of the States, and required the collectors of customs, the masters and crews of revenue-cutters, and commanders of forts to aid in their execution. Authority is given for extending the time of entering goods, and their storage in certain cases, to enable importers to conform to these State regulations.

Each State continues to make its own laws upon these subjects. Quarantine is derived from a Latin word meaning forty, the number of days which would be the extent of time necessary to remain outside of a port for disease to disappear from on board a vessel. Under these regulations, vessels arriving from cer-

tain places are required to come to anchor, and be boarded by health officers, and to remain out from the city five, ten, twenty, or more days, until certificates shall be given authorizing them to proceed to the wharves. In some places, hospitals are erected, to which the sick are taken and cared for, and storehouses provided where the goods from infected vessels may be sent. It is not until all danger is supposed to be passed that such vessels are allowed to end their voyage, and land their goods and passengers. In some States, these humane regulations are brought to great perfection. They became a part of the federal system by being adopted by Congress, and they are executed to a certain extent by federal officers.

13. STATISTICS BY THE FEDERAL GOVERNMENT.

Statistics play an important part in the affairs of governments. If compiled from reliable sources, by honest and competent hands, they can be made exceedingly useful. When applied by an unskillful or dishonest mind, they may lead to the grossest errors.

The statistics of the federal government are found in many different places, and have no common centre. The receipts and expenditures of public moneys are compiled, under the direction of the Secretary of the Treasury, by the register of the treasury from the settled accounts deposited in his office, under the authority of a resolution of the House of Represen-

tatives passed December 30th, 1791. This volume is published annually.

The commercial and tonnage statement showing the goods imported and exported, the vessels built and employed in commerce and navigation, is compiled, by direction of the Secretary of the Treasury, by the register, under the act of February 10th, 1820.

The census statistics are compiled from the census returns of the United States made by marshals once in ten years, counting from 1790, and are now arranged principally under an act of Congress passed May 23d, 1850. The last census extended to four large quarto volumes.

Under the internal revenue act of July 13th, 1866, a "special commissioner of revenue" was authorized. Although not specially directed to collect statistical information concerning revenue matters, the duties imposed upon him necessarily required him to compile them. Notwithstanding the provision declaring the office should continue only four years, Congress provided, by the act of July 20th, 1868, that this commissioner should have charge, under the secretary, of the statistical bureau created by the act of July 28th, 1866. This in effect repeals the provision establishing that bureau. These provisions provide for the compilation of a great variety of statistics in the Treasury Department, which will probably constitute a permanent portion of the business of the department; thus relieving certain officers of duties which they had heretofore performed.

The act establishing a Department of Education also provides for collecting such statistics and facts as show the progress of education, for the purpose of diffusing the same with the view of promoting the cause of education throughout the country.

Useful statistics are compiled in most of the departments, and communicated in various forms in documents sent to Congress at the opening of each annual session.

CHAPTER XXXVI

I. THE SECRETARY OF THE INTERIOR.

THE Department of the Interior was first established in 1849. The secretary has general charge and supervision of the bureaus known as the Patent-Office, Land-Office, Indian Office, Pension-Office, Census-Office, and Department of Agriculture. The engineer-in-chief, who succeeds to the duties of the Commissioner of Public Buildings, is under his general direction. From the decisions of the head of the above-named offices an appeal lies to the secretary, and he exercises appellate jurisdiction.

He has the general charge and direction of the affairs of the penitentiary in the District of Columbia, and the insane asylum. He determines who are proper subjects to be received and provided for in the asylum.

He signs all patents issued by the Patent-Office.

He directs the hiring of suitable rooms for the accommodation of the federal courts and their officers, and the furnishing the same, as well as those owned by the United States. Penitentiaries, jails, and special places of imprisonment, and their expenses, are under his control and supervision.

He is required to receive, arrange, and safely keep, and to distribute when required by law, all printed journals of the two Houses of Congress, and all other books and documents of every nature, printed or bought for the use of government, except those purchased or printed for the particular use of Congress, or one house thereof.

He has set apart a room in the Patent-Office to be used for this purpose, where all persons whose duty it is to do so must deliver such books.

They are distributed on the written order of heads of departments, secretary of the Senate, clerk of the House, librarian of Congress, and such officers and persons as are entitled to receive the same.

Books, maps, charts, and other publications formerly deposited in the State Department under the copy-right law, are now deposited with the Secretary of the Interior.

He appoints special agents to ferret out and prosecute persons guilty of frauds upon the Pension-Office.

The acts of Congress impose numerous duties upon the secretary, which are temporary in their nature, or of minor importance. None of these are here given.

On his requisition upon the treasury department, warrants are drawn by the secretary on the treasurer for money to defray all the expenses of courts.

He exercises supervisory and appellate powers over the lead and other mines, and over the accounts of the agents thereof.

On the completion of each census, he apports, under the statute, the members of the House of Representatives among the States, the whole number being 233 ; and certifies under his seal of office to the House of Representatives and to the executive of each State the number of members such State is entitled to.

Copies of the books and papers in his department, when duly certified by him under seal, become evidence.

He makes out and records in his office the commissions of all officers who are under the direction and control of the department, and affixes the seal of the department thereto after they have been signed by the President.

It will be observed that nearly the entire business of this department is appellate, and from bureaus and officers whose duties are widely different, having no connection with each other. A literal and intelligent discharge of the duties assigned to the head of this department would require him to be possessed of more varied attainments than any man is known to have acquired.

He should be a profound lawyer, as he must decide a greater number of causes, involving a greater amount, than all the federal courts.

He must understand our complicated land system and its arm's-end management, which few ever learn.

He must master the substance, the complications,

and mysteries of our Indian affairs, and the tactics of Indian warfare, as well as the mode in which they are wronged and plundered.

He should be master of mechanics and of the arts and sciences, and what history has developed concerning them.

In addition, he should be a practical business man as well as a statesman.

The public has never understood the extent, the complicated nature, and varied character of the duties of the office of Secretary of the Interior, or sufficiently appreciated the value of his services when fully and ably performed.

He receives a salary of eight thousand dollars.

2. SECRETARIES OF THE INTERIOR.

The following persons have held this office, which was first created March 3d, 1849:

Thomas Ewing, of Ohio; appointed 7th March, 1849, by President Taylor.

Alexander H. H. Stuart, of Virginia; appointed 12th September, 1850, by President Fillmore.

Robert McClelland, of Michigan; appointed 7th March, 1853, by President Pierce.

Jacob Thompson, of Mississippi; appointed 6th March, 1857, by President Buchanan.

Caleb B. Smith, of Indiana; appointed 5th March 1861, by President Lincoln.

John P. Upshur, of Indiana ; appointed 8th January, 1863, by President Lincoln.

James Harlan, of Iowa ; appointed 15th May, 1865, by President Johnson.

Orville H. Browning, of Illinois ; appointed 27th July, 1866, by President Johnson.

Jacob T. Cox, of Ohio ; appointed 5th March, 1869, by President Grant.

Columbus Delano, of Ohio ; appointed November 1st, 1870, by President Grant.

3. THE ASSISTANT SECRETARY OF THE INTERIOR.

This office was created in 1862. The assistant is appointed by the President, with the consent of the Senate, and is required to be a "competent person." His salary is thirty-five hundred dollars. He performs such duties in the Department of the Interior as shall be prescribed by the Secretary of the Interior, or may be required by law, and who shall act as Secretary of the Interior in the absence of that officer.

CHAPTER XXXVII.

4. BUREAUS IN THE DEPARTMENT OF THE INTERIOR.

THERE are in this department six bureaus. They are unlike those in other departments, where each has charge of a subdivision of a great whole tending to accomplish one great object. Each of these has been detached from some other department, or has been recently created for some distinct and separate purpose. The Patent-Office was formerly attached to the State Department, the General Land-Office to the Treasury, and the Indian and Pension Offices to the War Department.

They have no common object, and their duties bear no relation to each other.

5. The following are the bureaus and officers under the Department of the Interior :

The General Land-Office.

The Patent-Office.

The Indian Office.

The Pension-Office.

The Census-Office.

The slave-trade tribunals.

6. THE COMMISSIONER OF THE GENERAL LAND-OFFICE.

The protection and disposition of the public lands belonging to the United States, open to sale, are under the control and management of the Commissioner of the General Land-Office, subject to supervisory action of the Secretary of the Interior.

The duties of the commissioner are diversified and of the highest importance, as they relate to the collection of revenue from an important source.

The commissioner is aided in his duties by surveyors-general and registers and receivers of land-offices, whose official duties are performed in the vicinity of the lands sold—each of whom is under the direction of the commissioner, and reports to him the details and the duties which they perform.

All questions in relation to preëmptions and sales of land ; the rights of States to swamp-lands, and railroads to special grants ; of claimants to city plats ; of reservations of States to percentages for lands sold within their boundaries, and all similar questions, are considered and determined by the commissioner.

He has in his office surveys and plats of every section of all the public lands, and copies of all patents issued therefor. No patent is issued except through the commissioner.

He refunds money paid by mistake to a receiver for land

This office is one of innumerable details, and requires complete system and great care. The powers exercised are mostly derived from statutes, and hence must be strictly followed. It would require a volume fully to describe the powers and duties of the commissioner. They can only be learned by long experience and careful observation.

His salary is three thousand dollars.

7. SURVEYORS GENERAL.

The Spanish land system in America was based upon the principle of settlement and occupation, the settler paying only office-fees. Ours rests upon that of making as much money out of our lands as possible. Hence they are surveyed and minutely divided up before being offered for sale. To accomplish this, surveyors-general are appointed in the States where the public lands are situated, who employ deputy-surveyors to run lines and mark them upon the ground, and who prescribe rules and regulations for their government. These deputies make return of their work to the surveyors-general, who return the whole to the General Land-Office. The lands are divided into townships six miles square, and subdivided into miles square, and these into forty-acre lots.

Field-books containing a description of the lands, including timber and water, are made by the deputies, which are returned to the General Land-Office.

These surveys are usually made with great care and accuracy, and are deemed reliable.

The surveyors-general are allowed necessary clerks to aid them in the manual labor which appertains to the office.

They are appointed by the President with the consent of the Senate, and hold their office for the term of four years, unless sooner removed. Their compensation is usually three thousand dollars.

8. REGISTERS OF LAND-OFFICES.

Land districts of convenient size, for the sale of the public lands, are established in the Western States and territories where there are such lands open for sale. In each district a register is appointed, who is furnished with the necessary surveys and maps, showing what lands remain unsold. Purchasers at private sale apply to these registers, and select the lands they wish to purchase. Except in the vicinity of railroads, these are sold at one dollar and a quarter per acre. The registers do not receive pay for lands sold, but verify the sale when the receiver's receipt is produced and filed with them, to be returned to the General Land-Office. They are, in fact, a check upon the receivers. They are appointed and hold office by the same tenure as surveyors-general. Their compensation is a salary of three thousand dollars, and a percentage upon the lands sold, but not to exceed three thousand dollars in all.

9. RECEIVERS AT THE LAND-OFFICES.

At each public land-office there is a receiver, to whom compensation is made for the public lands sold by him. His principal duties are to receive moneys or land-scrip, and give duplicate receipts therefor to the purchaser. He renders an account of the amounts received as often as required by the commissioner of the General Land-Office. From the reports furnished by the register and receiver, the General Land-Office prepares its records so as to show which lands have been sold, and to whom, and what remain in the market. In certain cases the register and receiver make examination of conflicting preëmption claims, and report to the General Land-Office.

The receiver is appointed by the President with the consent of the Senate. His term of service and compensation are the same as the registers.

10. THE COMMISSIONER OF PATENTS.

The execution of the patent laws is confided to the Commissioner of Patents, who is assisted by examiners and others in the discharge of his duties.

Persons who believe they have invented any thing new and useful apply to him, in the manner pointed out by law, for patents. If he is satisfied that the claimant is the original and first inventor, and the thing is useful and important, he causes letters-

patent to be issued therefor. If on examination he finds that the claimant was not the original and first inventor, or that the thing had been previously patented, or described in a printed publication, he declines to issue a patent, and assigns his reasons therefor in writing.

The statute points out minutely the steps which may be subsequently taken to determine these questions, and whether a patent shall be issued or not.

The duties of the commissioner are quite various and highly important. They involve the arts and the past history of similar inventions, as well as a practical knowledge of arts and sciences, and mechanics. The commissioner is expected to have a wide range of the knowledge involved in all the questions which come before the office. Few men have the knowledge necessary for the perfect performance of the duties of this office. Mistakes against the claimant, and those in his favor adverse to the interests of the community, are equally injurious to the interests of the public.

The duties of the commissioner are arduous. His salary is forty-five hundred dollars.

II. EXAMINERS IN THE PATENT-OFFICE.

The immense business of the Patent-Office requires that the commissioner should have skillful and learned assistants, and hence the law has provided a

corps of examiners and assistants, who make the preliminary examinations and report to him in writing, upon which he acts. Claimants may appeal to a board consisting of three examiners, who also report to the commissioner in writing.

The examiners design to ascertain whether the invention claimed is new and useful, or whether it has been previously patented or invented, or is worthless. They are supposed to be familiar with such subjects, and capable of giving safe advice. They are usually learned scientific and mechanical men, who are competent to give the advice needed by the commissioner. Their salary is twenty-five hundred dollars.

12. COMMISSIONER OF INDIAN AFFAIRS.

When our country was first discovered, it was wholly owned and possessed by the Indians. We soon invented the theory that we acquired title by discovery, and that the Indian had only the right of occupancy, to obtain which we drove hard bargains with him. At first the States, and afterward the federal government, claimed the exclusive right of preëmption, or right to purchase the Indian title, and soon imposed penalties upon private purchasers for seeking to acquire. The national government commenced in the East, crossed the Mississippi, and proceeded west, swallowing up the Indian title for trifling considerations as far as it went. To gratify Indian vanity, they were called Indian nations, and

these hard contracts were dignified with the name of treaties, and were ratified by the Senate. The business with the Indians, which had been managed by clerks in the War Department, increased so fast that in 1832 a law was passed creating the Office of Indian Affairs.

The commissioner has the general superintendence, direction, and management of every thing relating to the Indians. The superintendents, agents, sub-agents, and interpreters are under his control, as well as all persons trading with or residing among the Indians under a license from the government.

The commissioner acts under the direction of the Secretary of the Interior, pursuant to regulations prescribed by the President.

The annuities and presents provided for the Indians are procured and distributed under directions from the commissioner.

He represents the government in making treaties with Indian tribes.

He makes an annual report to Congress, showing the operations of this branch of the public service, which is quite diversified and complicated, involving numerous and immense interests, and a vast many details.

The Indian interests have extended from those of a few tribes on our frontiers to occupants of a large portion of a continent. The names of tribes with whom the commissioner has duties fill a large space. They include Indians of every degree of intelligence,

and living in every possible manner, from the semi-civilized to the lowest degradation.

By his skill and management, the commissioner exercises an important influence over the questions of peace and war with the Indians. Although his acts are not given to the world through the telegraph or the press, they are of the most useful character to the Indians and to our government.

His salary is thirty-five hundred dollars.

13. SUPERINTENDENTS OF INDIAN AFFAIRS.

The Commissioner of Indian Affairs is aided in the performance of his duties by important agencies, and among them, superintendents appointed by the President and Senate to look after Indian interests in certain specified territory. Within their jurisdiction, they exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the government in the Indian Department, under such regulations as are established by the President of the United States. They are authorized to suspend such officers and persons from their office and employments for violation of their duties. When they do so, they immediately communicate the reasons, through the Indian Office, to the Secretary of the Interior, who acts finally upon the questions which are involved in the superintendent's action.

There are fourteen of these superintendents, sta-

tioned at the following places : Northern, at Nebraska ; Central, at Kansas ; Southern, at Fort Smith, Ark. ; at New-Mexico, Nevada, California, Oregon, Dakota, Montana, Idaho, Utah, Colorado, Arizona, and Washington.

The compensation of superintendents is generally two thousand dollars.

14. INDIAN AGENTS.

The government appoints, in the same manner, agents to aid the Indians in their business, and to look after their interests and protect their rights. There is one for nearly every tribe with whom we have treaty regulations. These agents usually reside among those for whose protection they are appointed. They are required to keep watch and guard over all the interests of the Indians, and protect them from the grasping cupidity of the whites. They are not permitted to trade with the Indians, and are not to allow spirituous liquors to be brought into the Indian country or on reservations, to be sold. They receive from the government the annuities, whether in money or goods, to which the Indians are entitled, and distribute them under the requirements of law ; but are forbidden to pay to an Indian when intoxicated. They are authorized to administer oaths in Indian matters, and to take the acknowledgment of deeds and other instruments in writing with the same effect as if taken before a justice of the peace.

They are required to cause the punishment of all who attempt to trade with Indians in the Indian country without a license. They permit no foreigner to travel in the Indian country, or remain there, without a passport authorizing him to do so. There are sixty-eight of these agents.

Sub-agents perform the same duties within their jurisdiction as the agents.

To secure a correct understanding of what passes between the Indians and others communicating with them, the government authorizes the appointment of interpreters, who understand the English and Indian languages, and, where necessary, the Spanish.

It will readily be seen that these Indian agencies are important to the government and Indians, and ought to have a controlling influence upon the peace and happiness of the Indians. Intelligent and conscientious agents can do much to promote peace on the frontier, and protect the interests of both the white and red man. If they are bad men, they are worse than useless—they are dangerous. The government can not be too careful in selecting the persons who are to represent them far from the limits of civilization, and where no human eye can watch and detect the wrongs which they may inflict upon the untutored son of the forest, whom we are bound to protect to the extent of our ability.

The compensation of Indian agents is usually fifteen hundred dollars, and sub-agents a thousand.

15. THE COMMISSIONER OF PENSIONS.

The office of Commissioner of Pensions was created in 1833. He performs such duties in relation to pensions and bounty lands as may be assigned him, by the President, or provided by law, under direction of the Secretary of the Interior.

He executes the laws of the old continental congress where pensions are claimed, as well as those passed under the constitutional government.

With the assent of the President, he prescribes rules and regulations concerning the mode of application and the character and extent of the evidence upon which pensions may be granted.

The laws authorizing pensions and bounty-lands are numerous, complicated, and not easily rendered harmonious. Persons seeking either should consult Mayo and Moulton's or some other reliable work upon that subject. It may be safely said that it requires knowledge, experience, and skill to present all the variety of cases to this office which it can lawfully act upon. Appeals are taken from the decisions of the commissioner to the Secretary of the Interior.

The Pension-Office has under its control most of the surviving Revolutionary war records, and has access to those in the Treasury Department and its bureaus, and to those in the War Department and its offices, including all rolls of the army for the last sixty

years, so that all truthful statements can be verified, and all errors be detected.

This is a highly important bureau, and its action involves very extensive claims. If controlled by a well-informed man and an intelligent mind, it is exceedingly useful, and conduces to the public good. The labor of the office, if well and thoroughly performed, is very great and perpetual.

The salary of the commissioner is three thousand dollars.

16. PENSION AGENTS.

Pensions are paid twice a year—on the 4th of March and September. For the convenience of the pensioners, the Secretary of the Interior appoints agents in the different States and territories for making payment. These agents are furnished with the names of those who are entitled to receive payment at his agency, and funds are provided for making it there. On the presentation of the proper evidences of identity, and a receipt for the amount to which he is entitled, the pensioner receives the amount due him. In practice, the necessary papers are made out and forwarded by a merchant or banker residing near the pensioner, and the pay transmitted to him for the pensioner. Pension agents give security for the faithful performance of their duties. They are compensated by a commission upon the amount which they pay out.

17. THE SUPERINTENDENT OF THE CENSUS.

The census is taken by the federal government every tenth year, having commenced in 1790, and being last taken in 1870. The business, although under the general supervision of the Secretary of the Interior, is practically conducted by the superintendent, who directs the marshals and their assistants in enumerating the people and their property, and ascertaining the wealth and business and condition of the country. The materials thus collected are compiled and condensed for general use, and, under the direction of Congress, suitable statements are prepared, printed, and distributed throughout the country.

The expense of taking the census is settled and paid under the direction of the superintendent, through appropriations made by Congress for that purpose. The forms used in taking the census are prescribed by Congress, though improvements, it is understood, are made by the superintendent, who prepares and distributes the necessary blanks, which are used by the marshals.

From necessity, the office of superintendent of the census is not permanent, continuing only while the census is being taken and reduced to form and shape for publication. The statistics of a census, when printed, make from three to four large quarto volumes. Usually there is published a condensed statement, constituting one volume of a smaller size.

The commissioner usually prefaces his work with

interesting facts and statements of census matters in other countries contrasted with our own. The census volumes are highly useful guides in legislation, and in considering the political matters of the country.

The salary of the superintendent is three thousand dollars.

18. SLAVE-TRADE TRIBUNALS.

The federal government has ever been energetic and sincere in its efforts to suppress the African slave-trade. It has declared it to be piracy, and those engaged in it are treated as pirates. In 1862, it entered into a treaty with Great Britain to establish three mixed courts to adjudicate upon vessels suspected and seized as having been engaged in or prepared for the slave-trade, to be composed of an equal number from each country, to reside at Sierra Leone, Cape of Good Hope, and New-York. No appeal is allowed from the decisions of these three tribunals.

In the same year, Congress authorized the President to appoint, with the consent of the Senate, a judge and an arbitrator, to reside at each of those places. Incidental matters connected with these tribunals and the suppression of the slave-trade are under the direction of the Department of the Interior.

The judges at each receive a salary of twenty-five hundred dollars, and the arbitrator in New-York one thousand, and at the other places two thousand dollars per annum.

19. THE SMITHSONIAN INSTITUTION.

This institution is under the control of a corporation created by Congress, and not subject to the supervision of any department. It deserves a description, and the most fitting place for it seems to be under that of the Department of the Interior. It is accordingly placed there.

James Smithson, an Englishman, by will devised his property to the United States, to found an institution at Washington, under the name of the "Smithsonian Institution," for the Increase and Diffusion of Knowledge among Men. Congress accepted the trust, and our government received, after a long litigation, about half a million of dollars, which it invested. In 1846, an institution, under a law of Congress, was organized, and placed under the control of a board of regents. The President of the United States is presiding officer of the board; the Chief-Justice is chancellor; the president of the Senate, and various members of the Senate and House, the Commissioner of Patents, and some others, constitute the board of regents. Most of the members of the cabinet are *ex-officio* regents. From its organization, the learned and practical Joseph Henry has been secretary and the principal executive officer of the institution.

From the income of the capital invested a large red sandstone building has been erected, where the secretary resides, and in which there is a large lecture-room, and various apartments for books, philo-

sophical instruments, and other things. How best to "increase and diffuse knowledge among men" was the question presented. Many insisted that the largest library in the world should be collected. It was answered, by the far-sighted secretary, and the late pure and wise chief-justice, that this would be collecting instead of increasing and diffusing knowledge. It has resulted in adopting the following plan: TO INCREASE KNOWLEDGE, it is proposed to stimulate men of talent to make original researches, by offering them suitable rewards for memoirs containing new truths, and to appropriate annually a portion of the income for particular researches under the direction of suitable persons.

TO DIFFUSE KNOWLEDGE, to publish a series of periodical reports on the progress of the different branches of knowledge; and to publish occasionally separate treatises on subjects of general interest.

These publications, when printed, are exchanged for other publications made in other countries, and otherwise distributed throughout the world—thus diffusing as far as practicable the knowledge which is added to the former stock. The institution makes and publishes an annual report, which contains much which is new and useful, and thus increases knowledge. In nearly every quarter of the globe, arrangements have been made to secure authentic meteorological statistics, and other useful information. From the materials which are collected by this institution, men of learning and thought search and often find

and develop new truths to be added to our stock of knowledge.

The library collected by the institution not needed for every-day uses, in the Smithsonian building, has been transferred to the Capitol, and is under the charge of the librarian of Congress. This institution, if not diverted from its legitimate objects, will increase and diffuse knowledge among men.

20. THE DEPARTMENT OF AGRICULTURE.

The act of May 15th, 1862, established this department, consisting of one officer, called a "Commissioner of Agriculture," who is appointed by the President, with the consent of the Senate. There are no characteristics of a department found in the act, although called one in its provisions. It is an independent office, created for a special purpose, as the act clearly indicates.

THE COMMISSIONER OF AGRICULTURE.

His general duties are to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of the word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

It is made the duty of the commissioner to acquire and preserve in his office all information he can obtain concerning agriculture by means of books and

correspondence, and by practical and scientific experiments, the collection of statistics, and other appropriate means ; to collect new and valuable seeds and plants ; to learn by actual cultivation such of them as may require such tests ; to propagate such as may be worthy of propagation, and to distribute them among agriculturists.

He is required to make annually a report to the President and Congress, showing what he has done and the receipt and expenditures of moneys, and may recommend the printing of certain papers forming a portion of his report.

He has charge of the property received from the agricultural branch of the Patent-Office, and such as he may purchase. He employs such persons under him as Congress authorizes, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

He has the franking privilege on matters pertaining to his official business, to the extent of two pounds.

He gives a bond conditioned to account faithfully for all moneys he may receive.

His salary is three thousand dollars.

21. THE DEPARTMENT OF EDUCATION.

The act of March 2d, 1867, declares that there shall be established at Washington a "Department of Education." By the act, this department is to consist of a Commissioner of Education and three clerks.

With the consent of the Senate, the President appoints such commissioner. His duties, as specified in the act, are "to collect such statistics and facts as shall show the condition and progress of education in the several States and territories, and of diffusing such information respecting the organization and management of schools and school systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country."

It is made his further duty "to present annually to Congress a report embodying the result of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which this department is established."

The extent and scope of the labors of this department are not yet before the public so that an opinion can be formed of its success. Although called a department, it seems to be merely an office for the collection of school laws and statistics.

The salary of the commissioner is four thousand dollars.

CHAPTER XXXVIII.

I. THE SECRETARY OF WAR.

THE office of Secretary of War was created at the organization of the government in 1789. His duties then included those subsequently assigned to the Navy Department. Those now performed constitute an unnatural combination of those of a commercial and military character. In procuring supplies for the army, he acts as a commercial man. In directing its organization and movements, he acts in a military capacity, for which civilians are seldom qualified. Most of the latter he performs, not by authority of any statute, but under the express or assumed direction of the President as commander-in-chief of the army.

The organic act directs that he "shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative to military commissions, or to the land * * * forces * * * or warlike stores of the United States, or to such other matters respecting military affairs as the President of the United States shall assign to said department."

It further provides that the secretary "shall conduct the business of said department in such manner as the President shall order or instruct."

This act confers no power except that of executing such directions as the President may give in relation to military affairs, in which case he acts in a military capacity.

The act of 1813 directs that he shall define and prescribe the species as well as the amount of supplies to be respectively purchased by the commissary-general's and quartermaster-general's departments, and the respective powers and duties of those departments respecting such purchases.

It also authorizes him to prescribe regulations for the transportation of supplies, and for their safe keeping and distribution.

These are commercial duties which naturally pertain to the business of a merchant.

He is authorized to furnish arms, ammunition, and army stores to emigrants going to Oregon, California, and New-Mexico, at the actual cost thereof to the government.

He makes requisitions upon the Treasury Department for means to purchase supplies and for army expenses.

He has charge of the records of the War Department under the government of the confederation.

He is required to report annually to Congress a statement of public contracts made by the depart-

ment, and the number of clerks he employs, and their compensation.

He gives instructions to the adjutant-generals of the respective States concerning returns of the militia therein, and lays abstracts of their reports, when received, before Congress.

He directs the sale of useless military stores and military sites.

He lays before Congress statements of appropriations, expenditures, and balances on hand.

He lays before the President the proceedings of courts-martial in cases where the officer commanding is the accuser.

When occasion may require it, he assembles a board of officers to determine the disability of officers of the army, and whether they should be placed on the retired list.

By the act of 1862, the transportation of troops, munitions of war, equipments, military property and stores throughout the United States is placed under the immediate supervision and control of the Secretary of War.

He reports annually to the President the operations of the department, with such suggestions as he thinks proper concerning the legislation required for the improvement of the military establishment.

He sends estimates to the Secretary of the Treasury of the appropriations which he desires Congress to make for the service of the department for the next fiscal year.

The business of the department is to a great extent distributed among various bureaus and offices, mostly under the control and management of officers of experience, who act under the general direction of the secretary.

To what extent the President has conferred powers, directing the secretary to execute them, is unknown to the public, and is nowhere found published or written. It is probable that he has assumed to act in such cases as he deemed proper on the occasion; and that custom—a growing one—is the principal authority for action where no provision is made by statute. It is now history that he does many things which the President could not authorize.

He is appointed and holds office by the same tenure, and receives the same salary, as other heads of departments.

Until the present time, no officer in commission and in service in the army has ever been commissioned secretary of the department, although some have had acting appointments.

2. SECRETARIES OF WAR.

The following persons have been Secretaries of War:

Henry Knox, of Massachusetts, appointed 12th September, 1789, by President Washington.

Timothy Pickering, of Pennsylvania, appointed 2d January, 1795, by President Washington.

John McHenry, of Maryland, appointed 27th January, 1796, by President Washington.

John Marshall, of Virginia, nominated 7th May, 1800, by President John Adams. Action postponed by the Senate.

Samuel Dexter, of Massachusetts, appointed 13th May, 1800, by President John Adams.

Roger Griswold, of Connecticut, appointed 3d February, 1801, by President John Adams, but declined to serve.

Henry Dearborn, of Massachusetts, appointed 5th March, 1801, by President Jefferson.

William Eustis, of Massachusetts, appointed 7th March, 1809, by President Madison.

John Armstrong, of New-York, appointed 13th January, 1813, by President Madison.

James Monroe, of Virginia, appointed 27th September, 1814, by President Madison.

William H. Crawford, of Georgia, appointed 3d March, 1815, by President Madison.

Isaac Shelby, of Kentucky, appointed 5th March, 1817, by President Monroe. Declined.

George Graham, of Virginia, appointed 7th April, 1817, by President Monroe.

John C. Calhoun, of South-Carolina, appointed 8th October, 1817, by President Monroe.

James Barbour, of Virginia, appointed 7th March, 1825, by President J. Q. Adams.

Peter B. Porter, of New-York, appointed 26th May, 1828, by President J. Q. Adams.

John H. Eaton, of Tennessee, appointed 9th March, 1829, by President Jackson.

Lewis Cass, of Michigan, appointed 1st August, 1831, by President Jackson.

Benjamin F. Butler, of New-York, appointed 3d March, 1837, by President Jackson.

Joel R. Poinsett, of South-Carolina, appointed 7th March, 1837, by President Van Buren.

John Bell, of Tennessee, appointed 5th March, 1841, by President Harrison.

J. McLean, of Ohio, appointed 13th September, 1841, by President Tyler. Declined.

John C. Spencer, of New-York, appointed 12th October, 1841, by President Tyler.

James M. Porter, of Pennsylvania, appointed 8th March, 1843, by President Tyler.

William Wilkins, of Pennsylvania, appointed 15th February, 1844, by President Tyler.

William L. Marcy, of New-York, appointed 5th March, 1845, by President Polk.

George W. Crawford, of Georgia, appointed 7th March, 1849, by President Taylor.

Charles M. Conrad, of Louisiana, appointed 15th August, 1850, by President Fillmore.

Jefferson Davis, of Mississippi, appointed 5th March, 1853, by President Pierce.

John B. Floyd, of Virginia, appointed 6th March, 1857, by President Buchanan.

Joseph Holt, of Mississippi, appointed 18th January, 1861, by President Buchanan.

Simon Cameron, of Pennsylvania, appointed 5th March, 1861, by President Lincoln.

Edwin M. Stanton, of Pennsylvania, appointed 15th January, 1862, by President Lincoln. Removed by President Johnson, — August, 1867, and Ulysses S. Grant appointed *ad interim* at the same time. The Senate not approving the removal, under the tenure of office law, he was restored — January, 1868.

John M. Schofield, of Missouri, appointed 29th May, 1868, by President Johnson. He was re-appointed 5th March, by President Grant.

John A. Rawlings, of Illinois, appointed — March, 1869, by President Grant.

William W. Belknap, of Iowa, appointed by President Grant.

CHAPTER XXXIX.

I. BUREAUS OF THE WAR DEPARTMENT.

THE acts of Congress do not provide bureaus by name for the War Department, except that of military justice, although several of the subdivisions are sometimes called departments. The business of the department is so subdivided, systematized, and distinct that the various subdivisions are commonly called bureaus, but sometimes departments. These have usually a general officer at their head, and are as follows :

Adjutant-General's Office.

Quartermaster-General's Office.

Commissary-General's Office.

Paymaster-General's Office

Surgeon-General's Office.

Engineer Office.

Ordnance Office.

Bureau of Military Justice.

The general duties of each of these will be given.

2. THE ADJUTANT-GENERAL.

The adjutant-general is a staff officer, and is the principal organ of the commander of the army in

preparing and publishing orders. The commanders of divisions, brigades, and separate departments have each an assistant adjutant-general, who performs for them the like services.

The duties of the adjutant-general are extensive, and, in addition to the publication of orders, they include making and transmitting written instructions to officers of the army; the reception of reports and returns from them, and disposing of them; forming tables showing the state and condition of corps; regulating details of the service; corresponding with administrative departments relative to the wants of the troops; corresponding with the corps, detachments, and individual officers serving under the same commander; and the methodical arrangement and care of the records and papers of his office. These are departmental office duties. In the field, he performs additional duties. He establishes camps; musters and inspects troops; inspects guards and detachments; forms parades and lines of battle; controls and conducts deserters and prisoners; and makes reconnoissances, and discharges such other active duties as may be assigned to him. The assistant adjutant-generals perform the like duties for those portions of the army to which they may be assigned.

All resignations are forwarded by the commanding officers to the adjutant-general for the decision of the War Department. Before its acceptance, he inquires into the state of the officer's accounts. Under the direction of the Secretary of War, the recruiting

service is conducted by him. All muster-rolls are filed in his office. He directs the depots for recruits, and causes proper officers to attend and drill them, and when they shall be sent to the field, and to what place. From the reports and returns filed in his office, the adjutant-general can furnish the War Department with an accurate account of the situation and condition of the various commands of the army. This office may be called the "index of the army."

3. THE QUARTERMASTER-GENERAL.

He is at the head of the quartermaster's department. In the performance of his duties he is aided by quartermasters and assistants, who are under his general control, but subject to orders of commanding officers when in the field and placed under their directions. He directly, or through officers subordinate to him, provides all necessary quarters and transportation for the army, storage and transportation for all army supplies, army clothing, camp and garrison equipage, cavalry and artillery horses, fuel, forage, straw, and stationery. The incidental expenses, such as the per diem to extra duty men ; postage on public service ; expenses of courts-martial, and of the pursuit and apprehension of deserters ; the burial of officers and soldiers ; of hired escorts ; of expresses, interpreters, spies, and guides ; of veterinary surgeons and medicines for horses ; of supplying posts with water ; and generally the proper and authorized expenses for

the movements and operations of the army not expressly assigned to any other department.

4. THE COMMISSARY-GENERAL.

This officer, with the aid of his assistants, performs such duties as the President may direct in purchasing and issuing rations to the army.

Under this power, he procures the articles constituting a soldier's ration, which consist of such things as directed by the President. These are known as "subsistence," and are somewhat varied in different climates and circumstances. These rations are issued by the subordinate officers of the department, and accounted for in conformity with the regulations and requirements of the commissary-general, who is the head of the subsistence department. He holds those who receive subsistence for distribution to a rigid accountability therefor. If the army have not a sufficient supply of suitable subsistence, the responsibility rests with this department.

5. THE PAYMASTER-GENERAL.

This officer is the head of the pay department of the army. He is not concerned in purchases for it. His duties are confined to paying what may be due to those serving in it for pay, for arrears of pay, subsistence, or forage. These payments are not made by him, but by the paymasters of the army, who act under his direction. The latter are supplied with

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money, when he requests it, by the Secretary of War, who issues a requisition in their favor upon the Treasury Department. Pay proper, and commutation for subsistence and forage, are usually paid to officers and men in the field or at their posts, upon payrolls duly certified by officers in command. Arrears and miscellaneous claims are either paid by a paymaster in Washington, or by special direction from the paymaster-general's office. The assignment of duties to the several paymasters is regulated by the actual condition of things with reference to the convenience of the service, and the proper accountability of making payments. Paymasters are charged with all moneys received from the treasury. In paying it out, they are required to look to two things—first, to ascertain that the party claiming pay is clearly and legally entitled to what he demands; and second, to obtain, preserve, and return to the department and to the second auditor suitable and sufficient evidence of payment, so as to avoid suspensions and rejections in his accounts.

Administrative examinations are made in the paymaster-general's office of all payments made by paymasters, before their accounts are sent to the auditor for adjustment.

6. THE SURGEON-GENERAL.

There is no statute prescribing the duties of the surgeon-general. Those performed by him under army regulations and in peace, relate to the manage-

ment and control of the medical department of the army. Under his direction, all medicines, surgical instruments, and needful articles for the sick and wounded are obtained. These are used and applied by the surgeons and their assistants under his direction, who obtain them upon written requisitions. These are usually addressed to a senior medical officer accompanying large bodies of men, called a medical director, upon whose written order they are obtained from the person having them in custody.

The surgeons and assistants are under his general direction, and attend such military force as he may direct. The hospitals are under his general control, subject to the rules and regulations prescribed by the War Department.

The surgeon-general's office is kept at Washington, while the surgeons and assistants accompany their divisions, brigades, and regiments into the field, or are stationed at military posts. The health of the army and the recovery of the sick and wounded depend mainly upon the ability, skill, and attention of the surgeons and assistants, in the selection of whom too much care can not be exercised.

The quartermaster's department furnishes such ambulances as the medical department may need for conveying the sick and wounded to such hospitals or places as it may desire.

In case of soldiers dying in hospital, the surgeon takes charge of their effects, and reports to the War Department.

7. THE CORPS OF ENGINEERS.

The engineer corps ranks first in the army, and can only be assigned to ordinary military duty by the President. The officers of this corps are not, as such, entitled to command forces in the field or at military posts. Their duties are confined to those for which they are selected on account of their scientific attainments. They are charged with planning, constructing, and repairing all fortifications and defensive works, and with the disbursement of money connected with those operations.

In time of war, they present plans for attack and defense of military works ; lay out and construct field defenses, redoubts, intrenchments, roads, etc. ; form a part of the vanguard, to remove obstructions ; and in retreat form a part of the rear-guard, to erect obstacles, destroy roads, bridges, and ferries, so as to retard an enemy's pursuit.

All quarters for officers and soldiers at permanent fortifications are estimated for and built by the engineer department ; and when completed, are turned over to the quartermaster's department for preservation and use.

The chief-engineer, with the approbation of the Secretary of War, regulates and determines the number, quality, form, and dimensions of the necessary vehicles, pontoons, tools, implements, arms, and other supplies for the use of the engineer company of sappers, miners, and pontoniers.

This bureau makes and preserves drawings of all the permanent structures erected under its direction. These show, with great accuracy, the size, construction, and strength of all our fortifications.

The duties formerly performed by the Bureau of Topographical Engineers are now devolved upon this bureau. They consist in the making of surveys for the defense of the frontiers and positions for fortifications ; in making reconnoissances of the country through which an army has to pass, or in which it is to operate ; in the examination of all routes of communication by land or water, both for supplies and military movements ; in the construction of military roads and permanent bridges connected with them ; and the charge and construction of all civil works authorized by acts of Congress not especially assigned by law to some other branch of the service. This bureau makes report of its proceedings, and furnishes maps and plans which materially contribute to the correct understanding of what they recommend or actually do.

The duties formerly performed by the commissioner of public buildings are now devolved upon the "chief-engineer of the army." These include the care of the public buildings and grounds in Washington, and the disbursement of money appropriated for their erection, repair, and preservation.

8. THE ORDNANCE OFFICE.

The colonel of ordnance is at the head and has the general management and charge of the ordnance department. As such, he has charge of all arsenals and armories, and attends to procuring all ordnance and ordnance stores for the military service. Under the general denomination of "ordnance and ordnance stores" are included all common and artillery carriages and equipments ; all apparatus and machines for the service and manœuvres of artillery ; all small-arms and accoutrements and horse equipments ; all ammunition ; all tools and materials for ordnance service ; horse medicines, materials for shoeing, and all horse equipments whatever for light artillery.

He causes all ordnance and ordnance stores, including powder—whether manufactured by the department or procured under contract—to be duly inspected.

Contracts for furnishing ordnance and ordnance stores are made by this bureau under the direction of the Secretary of War.

In time of peace, ordnance and ordnance stores are issued from the arsenals on orders from the ordnance bureau. In time of war, to supply troops in the service, they are issued on the order of a general or field-officer commanding an army, garrison, or detachment. But neither can be issued to militia until regularly mustered into service.

When arms, accoutrements, and equipments can

not be repaired by the troops having them in use, they are sent to an arsenal for repair under his direction.

Returns of ordnance and ordnance stores are periodically made from the arsenals and other depots, and from commanding officers to the ordnance bureau. From these returns the War Department is enabled to ascertain the quantity and quality of each on hand, and to estimate the wants of the future.

The corps of *artificers*, with proper tools, carriages, and apparatus, are organized under the direction of the colonel of ordnance.

Officers and enlisted men of the ordnance department are subject to the rules and articles of war.

9. BUREAU OF MILITARY JUSTICE.

This bureau was established in 1864, to continue during the then rebellion. In 1866, it was enacted "that the Bureau of Military Justice shall hereafter consist of one judge-advocate-general, with the rank, pay, and emoluments of a brigadier-general, and one assistant judge-advocate-general, with the rank, pay, and emoluments of a colonel of cavalry." The office is attached to and forms a part of the War Department, and is now considered permanent.

10. THE JUDGE-ADVOCATE-GENERAL.

Under an act of 1862, the office of judge-advocate-general was created, with the rank, pay, and emolu-

ments of a colonel of cavalry, and his duties defined. It also provided for a judge-advocate for each army in the field, with the rank, pay, and emoluments of a major of cavalry. The act of 1864, creating a bureau of military justice, authorized the President to appoint, with the consent of the Senate, as head of that bureau, a judge-advocate-general, with the rank, pay, and allowances of a brigadier-general, and an assistant judge-advocate-general, with the rank, pay, and allowances of a colonel of cavalry. Their duties were thus defined: "The said judge-advocate-general and his assistant shall receive, revise, and have recorded the proceedings of the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and perform such other duties as have heretofore been performed by the judge-advocate-general of the armies of the United States."

The act of 1866, declaring of what the bureau shall thereafter consist, reënacts *verbatim* the law of 1864, which shows that the bureau is permanent, and supercedes the former judge-advocate-general, who made rules and regulations for the government of the judge-advocates with the army in the field.

In practice, the judge-advocate-general performs other duties than those prescribed by statute. He goes beyond making rules and regulations, and directs the forms and proceedings in particular cases. On the trial of Mrs. Surratt and others, he attended in person and gave direction to the proceedings of those specially employed to prosecute.

II. JUDGE-ADVOCATES FOR EACH ARMY IN THE FIELD.

These offices were created by the act of 1862. Appointments are made in the same manner as the judge-advocate-general. They have the rank, pay, and emoluments of a major of cavalry, and perform their duties in the army to which they belong, under the direction of the judge-advocate-general.

In practice, these duties are to prosecute before courts-martial all persons accused of violating the rules and articles of war, or charged with military offenses. He is forbidden to ask or allow to be put any leading question to any witness, or any question to the prisoner, the answer to which might criminate himself. He administers oaths to the members of the court and witnesses, and keeps a record of the proceedings. He accompanies the court when they retire for consultation. Although in theory he protects the accused and causes justice to be done him, whether he has counsel or not, still in practice, in most cases, he is a severe public prosecutor, and resorts to all possible means to secure a conviction. He engrosses and signs the proceedings and adjudications of the court, and, when authenticated by the presiding officer, transmits the whole to the judge-advocate-general, to be laid before the Secretary of War and the President.

12. THE PROVOST-MARSHAL-GENERAL.

This office was established by statute in 1863. The provost-marshal-general is either appointed by the President, or selected by him from among the officers of the army, and has the rank and pay of a colonel of cavalry. His office is a separate bureau in the War Department at Washington. With the approval of the Secretary of War, he makes rules and regulations for the government of the provost-marshals ; furnishes them with the names and residence of deserters from the army ; communicates to them all orders from the President ; furnishes the proper blanks and instructions for enrolling and drafting ; and audits all accounts connected with the service under his direction, and performs such other duties as the President may prescribe concerning the enrollment and calling the national forces into service.

The duties thus assigned to this branch of the military service are more extensive than those performed by it in that of the British or French service. They all relate to the formation as well as to the government of the army. This office expired at the end of the war.

13. PROVOST-MARSHALS.

A provost-marshal was unknown to the laws of the United States prior to 1863. It was of French origin. In the British service, he was an officer appointed in every army in the field to secure prisoners

confined on charges of a general nature. He is there authorized to inflict summary punishment on any soldier, follower, or retainer of the camp whom he sees commit the act for which summary punishment may be inflicted. In the French army, he often goes round the army to hinder soldiers from pillaging, and he executes all sentences pronounced against the offenders. He also regulates the weights and measures used in the army in the field, and is attended by a lieutenant's guard, has a clerk and an executioner.

In the United States, the act of Congress of March 3d, 1863, provides that it shall be the duty of the provost-marshals to arrest all deserters, whether regulars, volunteers, militia-men, or persons called into the service under this or any other act of Congress, wherever they may be found, and to send them to the nearest military commander or military post ; to detect, seize, and confine spies of the enemy, and deliver them to the general commanding the department to be tried ; to obey all lawful orders and regulations of the provost-marshal-general, and such as may be prescribed by the President.

By this it will be seen that provost-marshals have the general superintendence of the criminal police of the army, and are the executive officers to carry into effect whatever shall be adjudged concerning criminals and offenders. Much of the good order in the army depends upon the judicious management of this officer. He is appointed or selected by the President. His rank and pay are those of a captain of cavalry.

By the terms of the act creating it, the office ceased at the close of the late war. Similar duties are often required of officers under the usages prevailing in the army. Hence they are here given.

14. THE ARMY.

From the earliest ages to the present time, nations have settled many of their controversies by blows intended to be deadly. Armed with clubs, arrows, slings, spears, javelins, boomerangs, swords, pikes, and lances, the number of men bruised, wounded, and destroyed almost exceeds belief. The introduction of fire-arms diminished the casualties of war. As these have improved in their destructive powers, the losses in battle have diminished ; the length of the combats being diminished by the more skillful use of the improved scientific weapon. The rifled gun and cannon, projecting conical balls, with a rotary as well as an advance motion, soon determine the fate of a battle-field. These conflicts have ever been by soldiers under the direction of military chiefs, each bearing some peculiar name designed to indicate his powers and duties.

15. WHAT CONSTITUTES A REGIMENT AND COMPANY OF INFANTRY.

A regiment of infantry consists of eight to ten companies, and has the following officers: A colonel, lieutenant-colonel, major, adjutant, and regimental quarter-

master, who have commissions from the President ; and one quartermaster-sergeant, a hospital steward, and two principal musicians, who receive warrants from the colonel. A company consists of fifty or more privates, and has a captain, a first and second lieutenant, who are commissioned by the President ; and a first sergeant, a quartermaster-sergeant, four sergeants, eight corporals, two artificers, two musicians, and one wagoner, having warrants from the colonel of the regiment.

The organization of the artillery and cavalry regiments and companies are somewhat similar in most respects

16. BANDS.

There are fifteen bands of musicians attached to the army, including one at West-Point. In time of war, they are assigned to brigades, and in time of peace, to assembled brigades, or to forts and posts where the largest number of troops are ordinarily collected together.

17. SOLDIERS.

Those who enlist for a term of years are called regulars. Those who tender their service for any special occasion are called volunteers. Those who are forced into the service under a law are called conscripts. All able-bodied men between eighteen and forty-five years of age are enrolled by the States, and formed into companies, regiments, brigades, and di-

visions, and officered. These are denominated militia, and are called out to suppress riots and defend the States against insurrections and invasions. Soldiers are often compelled to endure great hardships, and expose their lives, and are poorly paid. Governments can not long exist and protect themselves without the strong arm and the fidelity and courage of the common soldier.

18. CADETS.

The military cadet learns the art of war with the expectation of becoming an officer in the army. The national government has established at West-Point, on the Hudson River, a military academy, where cadets are admitted between seventeen and twenty-two years of age. Each is allowed a compensation sufficient to meet his expenses. It is from this institution that the regular army is mainly supplied with officers. These cadets are appointed one year in advance of their entrance upon the discharge of their duties. They are required, when appointed, to be well versed in reading, writing, and arithmetic, and to have a knowledge of English grammar, of descriptive geography, particularly of our own country, and the history of the United States. They must, with the consent of their parents or guardians, sign articles engaging to serve five years, unless sooner discharged. The members of Congress and delegates nominate not less than five persons, actual residents in their respective districts, for each vacancy,

and from these one is selected, according to his merits, by the Secretary of War, under regulations established by him.

The President is also authorized to nominate fifty, who shall be examined under such regulations, ten of whom are appointed.

A cadet serves four years at the academy, and if then found qualified, receives a second lieutenant's commission and enters the army. States and individuals have established military schools where the art of war is taught as a portion of a regular education. The instruction at West-Point is of the most thorough kind in all branches, and especially in the art of war.

19. LIEUTENANTS.

The office of ensign, formerly the lowest grade of commissioned officers, has recently been abolished. The name indicated its duties, he being the bearer of the ensign, standard, or colors, as in the Greek, Roman, French, and other armies. This duty is now necessarily devolved upon the second lieutenant, who is the lowest commissioned officer known to our service. The statute imposes no duties upon first or second lieutenants. They perform such in the management and care of their companies as their superior directs, whether in camp, on the march, or in the battle-field. They are the executive officers of the captain, and assist him in the performance of his duties; whatever they may be. In his absence,

the first lieutenant takes command of the company. When both the captain and first lieutenant are away, the command devolves upon the second lieutenant.

20. CAPTAINS.

Captains are next in rank above first lieutenants. They have command of companies, varying from fifty to one hundred privates. They have four sergeants and eight corporals, who discharge minor duties, usually under the special direction of the lieutenants. The captains are held responsible for the conduct and proper management of their men, whose appearance, comfort, and instruction they are not permitted to neglect. They lead them when engaging in battle. Where proper care is not taken of the men, two die in camp where one falls in battle. A good captain is a father to his men, and shares with them in their perils, hardships, and triumphs.

21. MAJORS.

These are next above captains in rank. Their general duties are to assist the colonels of regiments, though they frequently command a separate battalion, usually consisting of four companies, or half of an ordinary regiment. In the absence of the colonel and lieutenant-colonel, the command of the regiment devolves upon the major.

22. LIEUTENANT-COLONEL.

He ranks next above the major, and performs similar duties, being principally of an executive character, in aid of the colonel. In the absence of the colonel, he commands the regiment and performs his usual regimental duties.

23. COLONELS.

This officer is the next highest in rank above a lieutenant-colonel. His regular command is a regiment of eight companies, but it often varies in size. He has a commissioned staff to aid him, consisting of an adjutant, quartermaster, commissary, and paymaster, who rank as lieutenants, and also a chaplain. He manages the affairs of his regiment as a captain does those of a company, and leads his command in battle. The commandants of companies make returns to him of their men and arms, and he reports to his immediate superior. In the absence of the latter, he takes charge of a brigade as next in rank, under the general army regulations.

24. BRIGADIER-GENERALS.

This officer ranks next above colonels. His command is a brigade, consisting of two regiments, but often increased or diminished, according to circumstances. He has a staff to aid him, who rank as captains. There are ten brigadier-generals in the regular army.

25. MAJOR-GENERALS.

A major-general ranks next above a brigadier. In theory, his command is a division, consisting of two brigades, but they often command what is called an army corps, consisting of many divisions or brigades. He has a staff who rank as majors. Formerly a major-general was the highest officer in the field. There are now five in the army.

26. LIEUTENANT-GENERALS.

Anciently a lieutenant-general was next in rank below the general, and was his adviser, and succeeded him in command, as a lieutenant does a captain. This is still the case in most European countries. In this country, the office was temporarily created in 1798, and General Washington commissioned to command the whole army, with no general above him. The act was repealed the next year. The grade was revived as brevet, and conferred on General Scott, to expire with him. In 1864, Congress revived the grade, requiring the appointment to be made from the major-generals, and under the direction of the President, and during his pleasure, to command the armies of the United States. He is entitled to two aids and one military secretary. There is now but one lieutenant-general in our army, and his powers and duties are such as the President shall prescribe by general regulations or special orders

27. GENERAL OF THE ARMY OF THE UNITED STATES.

The office of general of the army of the United States was established in 1799, abolished in 1802, and revived in 1866. The act reviving the office declares that he may be authorized, under the direction and during the pleasure of the President, to command the armies of the United States. The details of his duties are nowhere prescribed. He acts under the President, and carries out his directions, given orally or in writing. In military matters he stands next to the President, who by the constitution is commander-in-chief of the army, and obeys his commands. He is authorized to select from the regular army six aids.

28. COMPENSATION OF OFFICERS OF THE ARMY

The pay proper of officers in the army is not large, being a certain sum per month. But this constitutes only a portion of their income. They are allowed several rations, servants, fuel, lights, forage for horses, when mounted, etc., each, for which they commute and receive ready money. The general of the army, whose pay proper is forty-eight hundred dollars per annum, receives, it is said, four times that sum. Civilians do not comprehend this system of allowances. The amount actually paid does not appear in the Official Register, as in the case of civilians. The government also supplies them, as well as officers of

the navy, with surgeons, medicines, and attendance when sick, a thing unknown in the civil service. Hence, it is impossible to understand what expense an officer in the army occasions the government. We therefore have not attempted to give the compensation, direct or indirect, of any grade in the army.

CHAPTER XL.

I. THE SECRETARY OF THE NAVY.

THIS office was not created until the federal government had been in operation ten years. In 1798, Congress became alarmed at the attitude of France, and commenced preparations for war. The office of lieutenant-general was established, and Washington commissioned. As much of the apprehended conflict was expected to be on the ocean, the duties of the War Department were divided, and a portion committed to the Navy Department, then first established. The office of Secretary of the Navy was created, and his duties are thus described in the organic act: He is "to execute such orders as he shall receive from the President of the United States relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as other matters connected with the naval establishment of the United States."

No power is here conferred, except that of acting as the representative of the President, who by the constitution is commander-in-chief of the navy as well as of the army.

He furnishes biennially the Secretary of State with lists of officers and agents, civil and military, employed under his department, together with their compensation, pay, and emoluments, to enable him to prepare the register commonly called the Blue Book.

He lays before Congress, annually, statements of appropriations and expenditures under the department, and of the balances unexpended, and reports to the Secretary of the Treasury the estimates of expenses for the next fiscal year.

He reports annually to Congress a statement of the expenditure of the contingent fund of the department, and of the clerks employed in it.

He has a general supervision of the Naval Academy, and the appointment of naval cadets, and selects naval constructors and engineers.

The business of the navy department is, to a great extent, devolved upon bureaus established by acts of Congress, to aid it in the performance of its duties. At the head of these are officers of experience in naval affairs, and especially in the duties particularly committed to them. These bureaus greatly facilitate the business of the department and essentially contribute to their being properly performed. Where not directed by law, the secretary distributes to them business as it arises. He exercises a general supervision over them. They are responsible to him for whatever they do or omit.

2. Many of the duties performed by the secretary are without statutory authority, and rest on presumed

instructions from the President, and upon custom without his dissent. These extend to every subject not provided for by acts of Congress.

The marine corps are under the direction of the secretary. The regulations concerning the management of the navy and those providing for the government of all employed in it, as officers, agents, and men, are prepared by the secretary, and, on approval by the President, become legally operative and binding.

No officer of the navy has ever been commissioned secretary of the department, and accepted.

There are fewer statutes regulating the duties of the secretary than of any other of the departments. Those passed during the late war are not referred to because they were special and temporary and only applicable to the then existing state of things, which is not likely to occur again. The duties dependent upon regulations are admirably systematized, and performed in a manner most satisfactory to those who have knowledge of them. In no department of the government is the responsibility more effectually concentrated than in this. The secretary has no subordinates performing special statutory duties independent of him. He is the legitimate head, and responsible for the whole action of the department. This secures efficiency and harmony in action, which never occurs where there is separate and independent action.

He is appointed by the President with the consent of the Senate, and receives a salary of eight thousand dollars.

3. SECRETARIES OF THE NAVY.

The following persons have been secretaries of the navy :

George Cabot, of Massachusetts, appointed 3d of May, 1798, by President John Adams.

Benjamin Stoddart, of Maryland, appointed 21st of May, 1798, by President Adams.

Robert Smith, of Maryland, appointed 15th of July, 1801, by President Jefferson.

Jacob Crowninshield, of Massachusetts, appointed 2d of March, 1805, by President Jefferson.

Paul Hamilton, of South-Carolina, appointed 7th of March, 1809, by President Madison.

William Jones, of Pennsylvania, appointed 12th of January, 1813, by President Madison.

Benjamin W. Crowninshield, of Massachusetts, appointed 17th of December, 1814, by President Madison.

Smith Thompson, of New-York, appointed 9th of November, 1818, by President Monroe.

John Rogers, of Maryland, appointed 1st of September, 1823, by President Monroe. Declined.

Samuel L. Southard, of New-Jersey, appointed 16th of September, 1823, by President Monroe.

John Branch, of North-Carolina, appointed 9th of March, 1829, by President Jackson.

Levi Woodbury, of New-Hampshire, appointed 23d of May, 1831, by President Jackson.

Mahlon Dickerson, of New-Jersey, appointed 30th of June, 1834, by President Jackson.

James K. Paulding, of New-York, appointed 20th of June, 1838, by President Van Buren.

George E. Badger, of North-Carolina, appointed 5th of March, 1841, by President Harrison.

Abel P. Upshur, of Virginia, appointed 13th of September, 1841, by President Tyler.

David Henshaw, of Massachusetts, appointed 24th of July, 1843, by President Tyler.

Thomas W. Gilmer, of Virginia, appointed 15th of February, 1844, by President Tyler. He was killed 28th of February of the same year by the bursting of a large cannon on board the United States steam frigate Princeton.

John Y. Mason, of Virginia, appointed 14th of March, 1844, by President Tyler.

George Bancroft, of Massachusetts, appointed 10th of March, 1845, by President Polk.

John Y. Mason, of Virginia, appointed 9th of September, 1846, by President Polk.

William B. Preston, of Virginia, appointed 7th of March, 1849, by President Taylor.

William A. Graham, of North-Carolina, appointed 30th of July, 1850, by President Fillmore

John P. Kennedy, of Maryland, appointed 22d of July, 1852, by President Fillmore.

James C. Dobbin, of North-Carolina, appointed 7th of March, 1853, by President Pierce.

Isaac Toucey, of Connecticut, appointed 6th of March, 1857, by President Buchanan.

Gideon Welles, of Connecticut, appointed 5th of March, 1861, by President Lincoln.

Adolph E. Borie, of Pennsylvania, appointed 5th of March, 1869, by President Grant.

George M. Robeson, of New-Jersey, appointed in 1869, by President Grant.

4. THE ASSISTANT SECRETARY OF THE NAVY.

This office was established in 1861. The assistant is appointed by the President with the consent of the Senate. The law requires him to be "a competent person." The statute does not specify his duties, except that he is to discharge those in the department which the secretary may prescribe, or as may be provided by law. In the absence of the secretary, he performs the duties of that officer. His salary is four thousand dollars.

5. NAVAL SOLICITOR.

The office of solicitor and naval judge advocate-general has been changed, by a recent act, to "naval solicitor." No duties are provided in the statute creating the office. They must be such as prescribed by the Secretary of the Navy. This officer is appointed by the President, by and with the advice of the Senate. His salary is thirty-five hundred dollars.

CHAPTER XLI.

I. THE BUREAUS OF THE NAVY DEPARTMENT.

THE Secretary of the Navy is usually a civilian, and not familiar with the numerous details growing out of the construction, equipment, and management of the navy. To aid him in the discharge of the duties devolved upon the department, Congress provided, in the reorganization act of 1862, eight bureaus, next hereinafter named ; at the head of each of which is placed an officer of the navy, of talent, skill, and experience in the duties devolved upon it. Under this act the Secretary of the Navy distributes to each bureau the duties it is to perform. Much of the business of the department originates and is matured in these bureaus before its presentation to the secretary for his final action. It receives in the bureaus the scrutiny of experienced officers devoted to the particular business in hand. It is this peculiar organization which has enabled the Navy Department to sustain itself with so much success under the most difficult and trying circumstances.

The chiefs of these bureaus are appointed, for four years, from the officers of the navy, by the President with the consent of the Senate. Their salary is thirty-five hundred dollars.

2. THE BUREAU OF YARDS AND DOCKS.

Navy-yards are places on or near the sea-shore, secure from attack from external enemies, where vessels are built and repaired, having water sufficient to float them, and which are substantially free from ice in the winter. Of these, the government has eight : at Portsmouth, N. H., Boston, New-York, Philadelphia, Washington, D. C., Norfolk, Va., Pensacola, and Mare Island, California. Mound City, Ill., is a naval station, and New-Orleans one where iron-clad duty is performed.

Docks are structures for raising ships and vessels above the water, so that they may be conveniently repaired. All the necessary conveniences for these purposes are found at navy-yards. This bureau has charge of the construction and maintenance of all docks, slips, wharves, piers, quay walls, and buildings of all kinds within the limits of the navy-yards, and prepares all plans, and makes estimates for their construction. Its head provides all the various articles used in the yards, and employs clerks and laborers, and pays the expenses necessarily incurred. It stores materials provided for the navy. It also has charge of the naval arsenals, and the live-oak plantation in Florida.

3. BUREAU OF EQUIPMENT AND RECRUITING.

This bureau has charge of procuring and supplying rigging, blocks, sails, anchors, cables, and fuel for all

vessels in commission. It also has charge of recruiting all seamen, landsmen, and boys for the general service. It controls all ropewalks, and the manufacture of articles which it supplies. It has charge of receiving-ships and recruiting rendezvous. Whatever relates to equipping and recruiting is under its exclusive control.

4. THE BUREAU OF NAVIGATION.

This bureau has charge of all that relates to the naval academy, naval observatory, nautical almanac, hydrographic office, and naval apprentice system. It furnishes charts, nautical and navigating instruments and books, sailing directions and instructions, stationery and blank-books for officers, libraries, binnacles, flags, signals, signal lights, running lights, and standing lights on board of vessels, logs, leads, lines, and glasses. It has charge of the collection of foreign surveys, and publication of charts, sailing directions, and nautical works, and the dissemination of nautical and hydrographical information to the navy and mercantile marine.

5. THE BUREAU OF ORDNANCE.

This bureau has charge of all that relates to magazines and to the manufacture and use of ordnance and ammunition, the preservation of the same, and mounting ordnance on board of vessels. It has charge of the buildings where ordnance and ammu-

nition are manufactured, as well as where carriages for mounting ordnance are constructed, and the persons employed for these purposes.

6. OF THE BUREAU OF CONSTRUCTION AND REPAIR.

This bureau has charge of all that relates to designing, building, fitting, and repairing the hulls of vessels, the armor-plating, turrets, spars, boats, tanks, ballast, casks, furniture, and sea-stores used in building vessels. It has control of dry docks, and vessels in ordinary and under repair, and of mooring, docking, and transporting them. It has charge of whatever is necessary for these purposes.

7. THE BUREAU OF STEAM ENGINEERING.

The name of this bureau indicates its principal duties. It has charge of all that relates to the designing, building, fitting out, repairing, and engineering of the steam machinery used in naval vessels, including the shops where such work is performed. All persons employed for these purposes are under the direction of this bureau.

8. OF THE BUREAU OF PROVISIONS AND CLOTHING.

The duties of this bureau include all that relates to supplying the navy with provisions, clothing, small stores, water, and contingent stores kept in the paymaster's department for the use of officers and men. It controls the buildings where these things

are produced or kept. It receives, inspects, and keeps the articles referred to, and directs the mode of keeping and rendering accounts therefor.

9. THE BUREAU OF MEDICINE AND SURGERY.

This bureau has charge of medical laboratories, naval hospitals and dispensaries, and furnishes all supplies, medicines, and instruments required for the medical department of the navy. It has sole control of all buildings erected for its purposes. It controls and pays all persons employed by it. It furnishes every thing needed and used for the relief of the sick and wounded in the service of the Navy Department, whether in active service or in the hospitals.

CHAPTER XLII.

I. THE WAR BRANCH OF THE NAVY DEPARTMENT.

THE Navy Department was created when the war clouds of Europe, and especially of France, looked portentous. A civil officer, called Secretary of the Navy, was placed in charge of it, through whom, and the bureaus under him, the orders of the President are communicated to those in charge of vessels of war, and to those officers who actually fight our battles on the ocean. Although these officers are of various grades, there is a similarity in their respective duties, and especially when exercising actual commands.

A leading feature among these duties is obedience to the orders of superiors, and the exaction of it from inferiors. Promptness and fidelity are equally essential to safety and success. The law authorizes the punishment by death of those who disobey under certain circumstances.

Every officer commissioned in the navy is furnished with a book of instructions carefully prepared, giving full information concerning the duties of each grade of officers, and defining their rank. Besides this work, special instructions are occasionally given.

Officers in actual command make and enforce additional regulations, deemed applicable and necessary under the circumstances surrounding them.

Commissioned officers rise by regular gradation, from lowest to the highest. These are subdivided into non-combatants and fighting men. The former include surgeons, engineers, chaplains, and paymasters, who are not expected to participate in conflicts and battles, and the latter include all who may command and whose duty it is to destroy our enemies when war comes upon us. In other words, the former answer to staff, and the latter to line officers, each of high importance in their proper places.

The duties of different grades depend very essentially upon the position which the officer individually occupies. Sometimes he acts a subordinate part, and at others he commands, having subordinates under him. At one time an officer commands a single ship ; at another, a squadron or a fleet.

Under general regulations, officers are required to perform duties for a certain length of time at sea, when they expect shore duties, or leave of absence for certain other periods.

There are also regulations concerning the size and description of ships that officers of certain grades are entitled to command. An officer of a high rank is not expected to be compelled to take charge of a ship of the smallest class, nor is one of the lowest rank entitled to command one of the largest size.

Vessels and ships of war have their relative rank

in the estimation of the navy, as have navy-yards, and naval stations, or the sailing ground of fleets and squadrons. It is not unusual for officers to use great efforts to secure their choice among these. When they fail, as it sometimes happens, favoritism is charged as the cause of failure, instead of the party overestimating his qualifications or claims.

2. THE ADMIRAL.

Formerly the offices of admiral, vice-admiral, rear-admiral, and commodore were unknown to our laws. In 1866, after the close of the war, Congress re-organized the navy, and apparently sought to confer a mark of its favor upon the most distinguished of our naval heroes by creating this office, which has been appropriately filled. The duties are not specified in the organic act. We must look elsewhere, and especially into the naval history of England, for a description of the duties which are deemed appropriate for it.

In England, the office of admiral succeeded the pompous one of the "king's lieutenant-general of the sea," whose power and duties are mostly unknown. There is a want of harmony concerning the exact origin of the office of admiral, and no little obscurity in the account of the powers and duties pertaining to it. It is known that the lord high admiral claimed to be the captain or ruler of the sea, and that he held a court to determine matters pertaining to it. The judicial portion of his duties

are now devolved upon the court of admiralty, where all controversies concerning ships and vessels, and contracts to be performed at sea, are heard and determined. The commissioners in admiralty have succeeded to the other branch of his duties, to which others have been added.

Admirals, vice and rear-admirals in the British navy are classified as of the red, white, and blue, distinguished by the colors they bear at mast-head. When commanding a fleet, the admiral carries his flag at the main-top-gallant of the mast-head of the ship he occupies. The classes are distinguished by the ground-work of the flag being either red, white, or blue.

The vice-admiral displays his flag from the fore-top-gallant mast-head, and the rear-admiral from the mizzen-top mast-head. A fleet, however large or small, is usually divided, in the British service, into three squadrons. The admiral, as the highest officer, occupies the central squadron; the vice-admiral, as the second officer, the vanguard; and the rear-admiral, as the third, the rear squadron. In 1813, during our war with England, the number of admirals, vice-admirals, and rear-admirals amounted to two hundred and seventeen. We have but one admiral.

In our service, the duties of admiral are not prescribed by statute or regulations. They are such as naturally suggest themselves from his relative position in the service. He is at the head of the Ameri-

can navy, and exerts a favorable influence upon all below him.

He is allowed a secretary, who receives the pay of a lieutenant in the navy.

It is not expected that the admiral will take command of a single ship or a small squadron. When he goes to sea, he selects the vessel he will go in, and raises his flag thereon, which is then called his flag-ship, which he changes as may suit his convenience or the interest of the service.

By statute our navy is divided into four classes, and when practicable are to be commanded as follows : First-rates, by commodores ; second-rates, by captains ; third-rates, by commanders ; and fourth-rates, by lieutenant-commanders. No other officer actually navigates or commands a ship of war. When on board of either, the admiral does not assume the management of it, but directs the operation of the whole fleet or squadron.

The flag of our admiral is rectangular, and of blue color, with four white stars in the centre forming a diamond, and is worn at the main of vessels, and the bow of his barge.

His salary is thirteen thousand dollars, being considerably less than the compensation of the general of our army.

3. THE VICE-ADMIRAL.

The office of vice-admiral was created by an act of Congress of 1864, which specifies no duties. The office is evidently copied from English precedents. This is the second office in rank in our navy. There is but one officer of this rank. He has a secretary, who receives the pay of a lieutenant in the navy.

The vice-admiral does not become the practical manager of the ship in which he sails. His duties are confined to the general management of the force under his command, leaving those under him to control the details, each of his particular ship.

The flag of a vice-admiral is rectangular and plain, with three five-pointed stars arranged as an equilateral triangle, eighteen inches from centre to centre, with the upper star eighteen inches from the head, and twenty-seven inches from the tabling, or broad hem of the sails.

His compensation when at sea, is nine thousand dollars; on shore duty, eight; and on leave or waiting orders, six thousand.

4. THE REAR-ADMIRAL.

This office was created by an act of Congress, in 1862. The present law authorizes the appointment of ten rear-admirals. It requires appointments, in time of peace, from the commodores. Rear-admirals are third in rank in our navy. As all individual ships

are commanded only by commodores, captains, commanders, and lieutenant-commanders, it is not expected that rear-admirals will have charge of navigating vessels. They command squadrons, either as separate commands or as assistants of the admiral.

We have six squadrons which may be considered permanent: The North-Atlantic, South-Atlantic, European, North-Pacific, South-Pacific, and Asiatic. The ten rear-admirals are sufficient to command these and four other squadrons that may be sent on special service.

A rear-admiral's flag is similar to that of the vice-admiral, but has only two stars arranged vertically eighteen inches from the centre, and eighteen inches from the tabling, with the upper star eighteen inches from the head.

Their compensation, when at sea, is six thousand dollars; when on shore duty, five; and on leave or waiting orders, four thousand.

5. COMMODORES.

The title of commodore, by custom, has been applied to any officer in our navy commanding two or more vessels at any one time. When once applied to an officer, it was usually continued by common consent. The office became recognized by law in 1862, the commodore taking rank next to the rear-admirals. He may be assigned now to the command of a single vessel of the first class or to a squadron.

There are twenty-five commodores now authorized by law. Until 1862, the highest naval rank known in our service was captain. Under an act of Congress, as far as practicable, commodores are not to be called upon to command any but a "first-rate" ship.

A commodore's flag is a swallow-tailed broad pennant of blue color, with one white star, and worn at the main-mast and bows of boats.

His compensation, when at sea, is five thousand dollars ; on shore duty, four ; and on leave or waiting orders, three thousand.

6. CAPTAINS.

Formerly captains were the highest officers known to our laws. In 1862, on the breaking out of the war, the offices of rear-admiral and commodore were created, leaving that of captain in its former position. In 1866, the number of captains was increased to fifty.

Formerly captains commanded whole squadrons or fleets, but since the creation of an admiral, vice-admiral, ten rear-admirals, and twenty-five commodores, this is not likely to occur. A single ship constitutes his usual command. Under the law this will usually be a second-class ship.

Their compensation, when at sea, is forty-five hundred dollars ; on shore duty, thirty-five hundred ; and on leave or waiting orders, twenty-eight hundred.

7. COMMANDERS.

The office of commander has existed in the navy since the organization of the federal government, though sometimes called commandant. It ranked then, as now, next to that of captain, and its duties were substantially the same. They are entitled to a third-class ship to command, if circumstances will permit. His highest pay is thirty-five hundred dollars. The whole number of commanders is ninety.

8. LIEUTENANT-COMMANDERS.

The act of 1862 creates the office of lieutenant-commanders, and that of 1866 limits their number to one hundred and eighty. They command the fourth rate or lowest class of vessels in the navy. Their general duties are similar to the three grades above them. Their highest compensation is three thousand dollars.

9. LIEUTENANTS.

Officers of this rank have existed in our naval service from the formation of the government. There are in the service one hundred and eight lieutenants. When commanding a vessel, their duties are like officers of a higher grade. When on vessels commanded by officers of a superior rank, they perform such subordinate and executive duties as required by the naval regulations, or the officer in command. They rank next to lieutenant-commanders.

Their highest compensation is twenty-six hundred and seventy-five dollars.

10. MASTERS.

This office has been long known in the navy. It forms the seventh grade, and ranks next to lieutenants. Their duties are substantially the same as lieutenants. There are one hundred and sixty masters in the navy.

Their highest compensation is two thousand dollars.

11. ENSIGNS.

These constitute the eighth grade in the naval service, and rank next below masters. There are one hundred and sixty ensigns in the navy. Their duties are similar to those of masters.

Their highest pay is fourteen hundred dollars.

12. CADET MIDSHIPMEN.

By the act of 1862, these constitute the ninth grade in the naval service, and rank next to ensigns. After graduating, their highest pay is eight hundred dollars.

Each midshipman is appointed on the recommendation of a member of Congress from the district where he resides, which authorizes his entrance as a cadet into the Naval School at Annapolis, provided his qualifications come up to the required standard.

Those whose proficiency and conduct are satisfactory at the end of four years graduate as midshipmen in the regular navy. Formerly they were called "passed" midshipmen, because they had passed a satisfactory examination.

At the Naval Academy, the cadets are taught those arts and sciences and acquire that knowledge deemed necessary to fit them for future usefulness as officers in the navy.

Prior to final examination, midshipmen make one or more cruises at sea, and learn how the duties of those in real service are actually performed. They are, on such occasions, required to keep a log-book, in which they make full entries of all that is important occurring on board, as well as to calculate the latitude and longitude of the ship when required, and ascertain her soundings.

In the general service, they assist in the execution of the orders of the commandant of the vessel, and perform such other duties as may be required of them.

13. MARINE CORPS.

The marine corps consists of a body of men enlisted and trained to serve on vessels of war, as well as on land and in fortifications. When the services are on land, they are under the direction of the military establishment, but are commanded by their own officers. At sea, they are subject to the authority of the commandant of the vessel, and subject to na-

val regulations, but, as a body, act under the officers of their corps. They are usually equipped like infantry, but in battle often use the pike, pistol, or cutlass. They perform a most useful part in naval battles, often nearly sweeping the adversaries' deck before the ship surrenders, and are very efficient in preventing boarding. They are stationed, in battle, on the deck, the round-top, or other parts of the vessel. Although not required to perform the duties of common sailors, they often become expert seamen, and render most useful services in the management of the vessels where employed.

The officers bear the same titles as in the army. In our service there is one brigadier-general, with a staff, two colonels, four majors, nineteen captains, thirty lieutenants, and twenty-seven second lieutenants. They are appointed in the same manner as officers in the army, and hold by the same tenure. So important were the services of the marines in the war with Mexico, that Congress voted them bounty lands the same as soldiers. Although jealousies and ill feeling are said, sometimes, to spring up between "old sailors" and "marines," both forget every thing but duty when they are in conflict with the enemy. The struggle is then to see which can aid the most in the common cause. The marine corps has rendered useful and important services to the country, and ought to be cherished as much as any other branch of the navy.

14. SAILORS.

The efficiency and success of a navy depends upon the common sailor. It is his hand that guides the man-of-war on the trackless deep, and defends it in the presence of the enemy. It is his skill and strength that manœuvres, prepares, and fires the fatal cannon, and wields the deadly cutlass. He neither knows nor fears danger. He freely sacrifices his life in defense of his flag and in the protection of the officer he loves. He is always generous and polite to those entitled to respect. Although superstitious, believing that leaving port on Friday, or with a full purse, forebodes ill luck, and that certain vessels are doomed to disaster, he is the most careful and accurate of observers of every thing and every body about him. With a ship deemed unfortunate and officers believed to be unlucky, his fears are aroused, and he becomes essentially paralyzed. But with a ship of good repute and officers in whom he confides, he becomes a lion, and presses on to victory. The common sailor has done his full share in establishing the high character of our navy and common country.

15. NON-COMBATANTS IN THE NAVY.

In the navy, as well as in the army, there are many whose services are indispensable who are non-combatants. Among these are surgeons and their assistants, paymasters and their assistants, naval

constructors, chaplains, professors of mathematics, and engineers employed on steam vessels. Their titles sufficiently indicate the duties of these officers. Each has his duties to perform, and upon his capacity, skill, and fidelity much depends. Neither of these officers is expected to participate in the belligerent action of the navy, but, in various ways, they contribute to success.

16. THE GOVERNMENT OF THE NAVY. .

The rules for the government of the navy, sanctioned by law, are essentially the same as those established during the war of the Revolution. They are explicit and direct, highly rigid, and produce the most salutary effects, securing faithful service, and honorable and gentlemanly bearing. All offenses are defined, and the punishment prescribed is adapted to them. They insure the sailor his rights and fair treatment, as well as respect and obedience to the officers. The rights and interests of the government are amply provided for.

Sailors as well as officers are required to demean themselves as true gentlemen, on all occasions. It can be truly said that all who visit our ships and yards are not only civilly but politely treated by every one, from the admiral down to Jack Tar. Incivility toward a lady is a thing unheard of in our navy.

CHAPTER XLIII.

I. BUSINESS UNDER THE CONTROL OF THE NAVY DEPARTMENT.

THE Navy Department has the management and control of many subjects incidentally connected with naval affairs. Some of these are designed to improve the character of the navy, while others furnish useful aids to commerce on the seas. Both are here given.

2. NAVAL APPRENTICES.

The want of competent and experienced seamen was long felt in the navy. By many seafaring men the navy compensation was deemed too low, and especially in time of peace when no prize money could be earned, and by others the discipline was considered too rigid when at sea. Our fisheries, often called the nurseries of seamen, even with the aid of bounties, failed to supply the wants of the navy and our commercial marine. In 1837, Congress sought to obviate the difficulty, in part, by adopting a system of navy apprenticeship. It was made lawful to enlist boys between the ages of thirteen and eighteen, with the consent of their parents and guardians, to serve

until they become twenty-one. The instructions concerning these enlistments are very minute and well considered. The examinations relate to mental and physical capacity, and elementary education in spelling, reading, writing, and arithmetic, and as to moral character are very searching. Physical, mental, and moral objections are a positive bar to enlistment. None are received who do not furnish clear indications of becoming first-class seamen.

When first enlisted, they are rated in class third, and, on subsequent examinations, are promoted to the second and first class. Their opportunities for acquiring education and knowledge are quite ample, while they are thoroughly taught the performance of their appropriate duties. Those who are reported most worthy receive recommendations from their officers, and are often promoted to higher grades of service. The pay of class three is eight, class two nine, and class one ten dollars per month, one tenth of which is reserved as a resource at the end of the enlistment, and the remainder is expended for clothing and other necessities. They are not permitted to attend officers as waiters and servants, nor required to perform any duties, except in cases of urgent necessity, not conducive to the object of their enlistment. This system has been attended with the most beneficial results, both to the naval service and to the apprentices themselves. First-class seamen are thus supplied, while individual merit has ample

opportunity for development, and suitable encouragement and reward.

3. NAVAL ACADEMY.

Our ships of war followed and protected those engaged in commerce to every part of the globe. Naval officers were called upon to act upon questions of the highest interest, without instructions from the department or advice from experienced and learned superiors. This called for higher instruction and more extensive acquirements among our naval officers. Teachers on board of vessels failed to bring midshipmen up to the standard which the exigencies of the public service required. It was left for the administration of President Polk, through the historian, Bancroft, then Secretary of the Navy, to plan and execute the needed improvement. A naval school for the thorough education of midshipmen was established by him at Annapolis, where they were concentrated, and a suitable superintendent for their government, and professors for their instruction, were employed. Thus, without the aid of an organizing act by Congress, an institution of great merit and high usefulness has sprung up under the general powers conferred upon the President as commander-in-chief of the army and navy, and the statute organizing the Navy Department.

The Naval Academy is governed by executive rules and regulations well adapted to accomplish the objects designed. The number of midshipmen ad-

mitted corresponds with that of members of Congress and delegates from territories, on whose recommendation they are appointed from their respective districts ; and one from the District of Columbia, ten selected annually at large, and ten from the naval apprentices. The three latter are appointed by the President. No one is appointed who is under fourteen or over eighteen years of age.

Before admission, each candidate is thoroughly examined in spelling, reading, writing, arithmetic, geography, and grammar, as well as to his health and physical development.

When the examination results favorably, the candidate receives an appointment on signing articles requiring him to serve eight years in the navy, including his term in the academy. If on examination a midshipman is found deficient, he can not continue in the academy unless upon the recommendation of the Academic Board, who may advise his further trial in his studies.

Such arrangements have been made at the academy, that the students can go through most of the exercises that occur on board a ship-of-war, including a fight at sea. A practice-ship is usually in the harbor, which annually goes to sea to afford opportunities for actual exercises on shipboard. These trips have given great satisfaction to those who have witnessed them. This academy is doing much to elevate our navy in the estimation of our people, and to secure it consideration and respect aboard. Since its

establishment in 1845, Congress has lent its aid, by liberal appropriations, to meet its necessary expenses, and to secure all suitable facilities to render it a competitor with West Point for public favor.

During the war, it was removed to Newport, Rhode Island, while Annapolis was occupied by our troops. It returned to its old quarters when the war closed, and is now well fitted up, with a naval hero at its head.

4. NATIONAL OBSERVATORY, OR DEPOT OF CHARTS AND INSTRUMENTS.

Although, from the erection of the temple of Belus in Babylon, observatories in aid of astronomical science and discoveries had been in use, none was erected in the United States prior to 1830. The recommendation of President Adams, in his first annual message in 1825, to erect a national observatory—a “light-house of the skies”—was met with broad and sharp ridicule, and was overcome by the objections of a want of constitutional power on the part of Congress to engage in the enterprise. In 1830, the first telescope, for astronomical purposes, was set up at Yale College, and the first observatory was erected at Williams College, Massachusetts. Two years after, one was built at the Western Reserve College, Ohio, and about the same time another at the high-school in Philadelphia.

To obviate the constitutional objection raised

against Mr. Adams's recommendation, the National Observatory at Washington was established as a depot for naval charts and instruments, by the Navy Department, under an act of Congress in 1842, and has since been fostered by appropriations as a national establishment devoted essentially to astronomical purposes, all others being rather incidental. In this we discover a design to obviate constitutional objections. It is now universally spoken of as "a National Observatory." It is furnished with the necessary instruments to aid in scientific discoveries, which are successfully prosecuted by a superintendent and able and learned professors.

At this place are collected surveys and charts prepared under the direction of the Navy Department, or otherwise obtained through its agency. It is a store-house of astronomical and hydrographical knowledge, considered useful in navigation.

These stores are multiplied and distributed not only to the navy, but at mere cost to vessels engaged in commerce and navigation. The observatory, and every thing pertaining to it, is under the direction of the Bureau of Navigation, whose regulations for procuring, classifying, and applying the knowledge acquired are precise, and well adapted to secure the ends sought by the creation of the bureau and the establishment of the observatory. Navigation is deeply indebted for its success to the able head which controls this branch of the naval service.

Besides the astronomical observations made here,

and the preservation of charts and instruments, chronometers for the use of the navy are thoroughly tested before being used, to ascertain whether they are as perfect as scientific mechanism permits. Researches into the laws regulating tides and currents are thoroughly made, and longitudes determined by aid of the electric telegraph. A black ball is lowered from the top of the observatory each day, at twelve o'clock, by which the inhabitants of Washington regulate their time-keepers, as do others elsewhere in telegraphic communication, making due allowance for the difference in longitude.

The National Observatory has proved a great success, and is as useful to commerce and navigation as to the navy itself. The opposition to it in the District of Columbia, on constitutional grounds, will appear strange to those who know that the convention who framed that instrument acted upon the supposition that a university could be established in the district under the clause giving Congress the exclusive power of legislating therein, in all cases whatever. An observatory, though often established by itself, is a very appropriate portion of our universities and colleges.

5. THE NATIONAL MERIDIAN.

Most countries have their meridians from which they compute longitude. While we were colonies, and for many years afterward, all our calculations

were made from the English Observatory at Greenwich, founded by Charles II. in 1674, on an eminence one hundred and sixty feet above the river Thames. Our nautical calculations are now mostly made from this point. Those of a geographical character are made from that of Washington, established by the direction of the President under an act of Congress in 1821. The meridian monument then established is a stone set in the ground north of the city. It is in north latitude $38^{\circ} 53' 39''$, and west of Greenwich $70^{\circ} 2' 48''$, as reported to Congress. Subsequent investigations have resulted in declaring the present observatory building to be $38^{\circ} 53' 39''$ north latitude, and $77^{\circ} 2' 48''$ west longitude from Greenwich.

6. THE NAUTICAL ALMANAC.

In addition to the maps, charts, and sailing directions obtained from the Navy Department through the Bureau of Navigation, there is annually compiled a Nautical Almanac for the use of the navy, and sold at cost to others engaged in navigation. The preparation and publication of this great and useful work was commenced by direction of an act of Congress of 1849, and is prepared and published by the Bureau of Navigation. It is a large volume, consisting mainly of clearly arranged masses of figures, and gives astronomical ephemerides at Greenwich and Washington. It shows the real and apparent positions of the sun, moon, planets, and many stars at noon and

midnight on every day of the year ; together with occultations of stars and planets by the moon, and much other useful information important to the practical navigator. The labor of preparing and publishing this work is very great, while its usefulness is incalculable to those whose home is on the seas.

7. HYDROGRAPHY.

The Bureau of Navigation has charge of hydrographic surveys, which are designed to secure accurate charts of the sea, and its relations to the coasts ; and other matters of interest to the navigator. Such charts show the coast, its headlands, indentations ; the rivers and streams that are emptied into the ocean ; the reefs, rocks, and islands that are found ; the depth of the water and character of the bottom, as well as the hills, mountains, and lowlands, light-houses and other prominent objects on shore. On these charts are noted the latitude and longitude ; the tides and surfs, currents and counter and under-currents ; the prevailing winds at different seasons ; the extremes of heat and cold ; and also the fogs, ice-bergs, and all other local matters that are found which have a bearing upon the interests of navigation.

When these charts are rendered as perfect as possible, they are engraved and printed for the use of the navy. Merchantmen are supplied with copies at cost. As further knowledge is obtained, the engraved plates are altered and improved, and new copies of

the charts are furnished. The importance of this branch of the duties of the Bureau of Navigation can not be overestimated, whether we consider the value of the commerce afloat on the ocean, or the lives of those who are borne upon it as passengers and sailors, or the success of the star-spangled banner on the ocean wave.

8. THE NAVAL ASYLUM.

This benevolent institution is under the control of the Bureau of Docks and Yards. It constitutes the home provided by the federal government for "disabled and decrepit naval officers, seamen, and marines" who have served twenty years in the navy. They are discharged when convicted of misconduct, such as drunkenness, fighting, abusive and profane language.

The officers consist of a governor, not below the rank of a captain in the navy, and a commander, a lieutenant, a surgeon, and chaplain, taken from their respective ranks ; together with a secretary to the institution, a master-at-arms, a matron, cooks, watchmen, and attendants. Divine service is performed at the institution every Sunday.

There are naval asylums at Washington, Norfolk, Boston, New-York, Philadelphia, and Pensacola.

CHAPTER XLIV.

I. THE POST-OFFICE DEPARTMENT, OR GENERAL POST-OFFICE.

OUR mail establishment, first created by the act of 1789, was a simple affair, then managed, under the direction of the President, by a postmaster-general and an assistant or clerk, in conformity with regulations prescribed by the confederacy. There has never been any statute establishing a post-office department, although the extent of our mail business and its disconnection from other branches of the public service, as well as its general usefulness, would fully authorize its being thus organized and designated. It is first spoken of as a Post-Office Department in the title of an act in 1825. From 1856, when the post-office establishment ceased to be self-sustaining, there have been annual appropriations for the "Post-Office Department." All other laws speak of it as "a General Post-Office." But it is generally spoken of as the "Post-Office Department." It is of more universal interest to all our citizens than any other department. It serves alike the old and young, the rich and poor. It is not the creature of commerce,

finance, trade, manufactures, or agriculture ; but serves each as required. Its operations tend more to enlighten and ameliorate the condition of the people than any other department of the government. Its business reaches the hearts of the people, and enables distant minds to indulge in affectionate and useful communications at a nominal expense. Since the introduction of cheap postage and free delivery, it visits the homes of all, and is the servant of the whole people. It is the unostentatious sentinel warning the people of threatened danger, or cheering them with intelligence of their safety. It is through it that man speaks to man, and the press to the world.

2. Posts were originated by a French monarch, to secure the rapid transmission of government letters, and celerity in the movement of officials and public agents. Masters of the posts were appointed to supply horses and conductors, and to secure prompt dispatch. Subsequently, these posts conveyed in like manner private letters and such persons as wished to travel by such conveyance. This system spread over Europe, and eventually reached the American colonies. In 1753, Dr. Franklin was appointed the General Master of the Posts, or Postmaster-General, which office he held until 1774, when he was removed by the British government.

At a later day, in England, stage-coaches, whose business it was to carry passengers, were first employed to carry the mails. The passenger and mail business thus became united, and still continue so in

many parts of the world, and especially in our own country, except where superseded by steamboats and railroads. Some idea can be formed of the speed of posts in early days, when it is known that Dr. Franklin startled the people of the colonies by proposing to run a stage-wagon to carry the mail from Philadelphia to Boston once a week, starting from each city on Monday morning, and reaching its destination Saturday night.

Among the arrangements in 1775, preparatory to the Revolutionary war, Dr. Franklin was elected, by the Continental Congress, Postmaster-General, which office he held until 1776, when, in consequence of his continued absence on other public duty, his son-in-law and assistant, Richard Bache, was appointed. He held the office until 1782, when Ebenezer Hazzard was elected.

At the organization for the constitutional government, in 1789, the law concerning the general post-office was temporary. Numerous laws have since been passed on the subject. That of 1825 gave it so much system that it mostly controls its organization and business. It is now better organized than most of the other departments. In General Jackson's time, it was made by law an excellent working machine.

CHAPTER XLV.

I. THE POSTMASTER-GENERAL.

THE office of postmaster-general existed under the old confederacy, and was established under the constitution in 1789. Extensive powers have since been conferred upon him. The following comprise his general duties, which embrace endless details, and are all found in statutes :

He hires the mails carried, instead of keeping horses and sending posts.

He appoints all postmasters whose emoluments do not exceed one thousand dollars. Those receiving above that sum are appointed by the President.

He causes the seal of the department to be affixed to all commissions issued to postmasters, and to all papers which he is required to authenticate.

He establishes post-offices at all such places on post-roads established by Congress as he deems expedient, but seldom within two miles of each other.

He provides for carrying the mail on all post-roads established by law, and as often, and by such conveyance, as he, having regard to the productiveness thereof and other circumstances, thinks proper.

He pays all expenses which may arise in conduct-

ing the post-office, and in the conveyance of the mails and other necessary expenses arising in the collection of the revenue and the management of the general post-office.

He prosecutes those violating the laws governing the post-office establishment.

He has the general superintendence of the business of the department, aided by three assistants, appointed by the President.

In case of his death, resignation, or removal from office, the duties of the department are performed by the senior assistant until a successor arrives at the department.

The Postmaster-General appoints special agents of the department to examine the different post-offices, and investigate complaints against postmasters or contractors who transport the mail.

He reports annually to Congress contracts made for carrying the mail, and those for providing materials for the mail service, with their principal provisions. He also reports the incidental expenses of the department mail service, and upon the finances of the department.

He annually submits to Congress specific estimates of the anticipated revenue and expenses of the department for the next fiscal year.

He draws warrants on the treasurer for money appropriated and expended for the use of the department.

The accounts of the department are settled by

the auditor of the department, under his general supervision and regulations made by him.

He decides on official forms of all papers to be used by postmasters, and other officers and agents of the department concerned in receiving and paying out money, and the manner and form of keeping and rendering their accounts. He makes regulations to enforce the rendition of such accounts.

He superintends the disposition of the proceeds of the post-offices, and the manner of postmasters paying over their balances.

He causes dead letters returned to the department to be opened and burnt, retaining whatever may be valuable in them for those entitled thereto. He may also return them to the writers.

He makes postal contracts with foreign governments for exchanging and carrying mails to and from each.

When contracts for carrying the mails are about to expire, he advertises for proposals for new contracts.

He causes postage-stamps to be prepared and sent to postmasters for sale, and determines the salaries they shall receive, in lieu of fees and emoluments formerly allowed, and determines the compensation of letter-carriers.

He performs all the incidental duties necessary for the management of the department, whether specified in a statute or not. He makes general regulations for the management of the whole mail service,

domestic and foreign, which have the force and effect of laws.

2. It is thus seen that the duties of the Postmaster-General extend to every town and hamlet in the States and Territories. Each has its post-office and postmaster, whose duties he must supervise, and whose errors he must rectify. Nearly every navigable river, every railroad, and about every wagon route is declared by Congress to be a post-road, upon which he must cause the mails to be regularly carried. Each mail-carrier and postmaster has four accounts, at least, to be settled annually. The latter must be supplied with blanks and stamps, and drafts are drawn on him to cover the amount of sales. The foreign mail service also occasions endless details. The business of the department extends its facilities to every person in the Union. From all these things the usefulness of the department can be understood, and the duties of the Postmaster-General appreciated. His salary is eight thousand dollars.

3. POSTMASTERS-GENERAL.

The following persons have been postmasters-general :

Samuel Osgood, of Massachusetts, appointed 26th September, 1789, by President Washington.

Timothy Pickering, of Pennsylvania, appointed 12th August, 1791, by President Washington.

Joseph Habersham, of Georgia, appointed 25th February, 1795.

Gideon Granger, of Connecticut, appointed 28th November, 1802, by President Jefferson.

Return J. Meigs, of Ohio, appointed 17th March, 1814, by President Madison.

John McLean, of Ohio, appointed 26th June, 1823, by President Monroe.

William T. Barry, of Kentucky, appointed 9th March, 1829, by President Jackson.

Amos Kendall, of Kentucky, appointed 1st May, 1835, by President Jackson.

John M. Niles, of Connecticut, appointed 25th 1840, by President Van Buren.

Francis Granger, of New-York, appointed 6th March, 1841, by President Harrison.

Charles A. Wickliffe, of Kentucky, appointed 13th September, 1841, by President Tyler.

Cave Johnson, of Tennessee, appointed 5th March, 1845, by President Polk.

Jacob Collamer, of Vermont, appointed 7th March, 1849, by President Taylor.

Nathan K. Hall, of New-York, appointed 20th July, 1850, by President Fillmore.

Samuel D. Hubbard, of Connecticut, appointed 31st August, 1852, by President Fillmore.

James Campbell, of Pennsylvania, appointed 5th March, 1853, by President Pierce.

Aaron V. Brown, of Tennessee, appointed 6th March, 1857, by President Buchanan.

Joseph Holt, of Mississippi, appointed 14th March, 1859, by President Buchanan.

Horatio King, of New-Hampshire, appointed 12th February, 1861, by President Buchanan.

Montgomery Blair, of Maryland, appointed 5th March, 1861, by President Lincoln.

William Dennison, of Ohio, appointed 24th September, 1864, by President Lincoln.

Alexander W. Randall, of Wisconsin, appointed 25th July, 1866, by President Johnson.

John A. J. Creswell, of Maryland, appointed 5th March, 1869, by President Grant.

CHAPTER XLVI.

I. ASSISTANT POSTMASTERS-GENERAL.

OF THE FIRST ASSISTANT.

THE first assistant postmaster-general is appointed by the President with the consent of the Senate, and receives a salary of thirty-five hundred dollars. In case of the death, resignation, or removal from office of the Postmaster-General, the first or senior assistant performs all his duties until a successor is appointed and arrives at the department to perform business.

In practice he has charge of all questions concerning the appointment and removal of postmasters, route and local agents, before they are presented to the Postmaster-General for his direction. He also attends to the establishment and discontinuance of the sites for post-offices, and the adoption and change of names of post-offices. He gives instructions to postmasters, local and route agents, concerning their general duties.

He supplies postmasters with marking and rating stamps, and balances for weighing mail matter. He also has charge of the several agencies established for supplying postmasters with blanks and stationery

and blanks for the department. He has the supervision of the ocean mail steam-lines, and the foreign and international postal arrangements. In the department, the first assistant's is usually called the appointment office.

The Postmaster-General may change this and all other assignments of duties, as he shall deem best for the public service.

2. THE SECOND ASSISTANT POSTMASTER-GENERAL.

There are no duties prescribed by statute for the second assistant. He is appointed in the same manner, and receives the same compensation as the first assistant.

In practice he has charge of arranging the mail service, and placing the same under contract. He has charge of all correspondence, and gives directions respecting the frequency of trips, mode of conveyance, time of departure and arrival on the different routes. He directs the course of the mail in different sections of the country, the points of mail distribution, and prescribes regulations for the government of the domestic mail service.

He prepares the advertisements for proposals for carrying the mail, receives the bids, and has charge of the annual and special lettings, and the execution of contracts and adjustment of service under them.

He receives all applications for the establishment or alteration of mail arrangements, and the appoint-

ment of mail messengers. He receives and adjusts all applications for compensation for mail services performed under contract. He notifies postmasters at the ends of routes of the time fixed for the departure and arrival of mails thereon.

He reports weekly to the auditor of the Post-Office Department all contracts executed the previous week, and all orders affecting accounts for mail transportation. He also annually prepares statistical exhibits of mail service, and the reports of mail-lettings, giving a statement of each head ; also of the contracts made, and new service originated, the curtailments ordered, and the additional allowance granted within the year.

He submits all important matters to the consideration of the Postmaster-General, and conforms to his instructions. This is usually called the "contract-office."

3. THE THIRD ASSISTANT POSTMASTER-GENERAL.

This officer is appointed, and receives the same compensation as the first assistant. His duties are those prescribed by the Postmaster-General.

In practice, he has the supervision and management of the finances of the department, not devolved by law upon the auditor. This embraces the accounts with the post-offices, which pay the moneys received for postages on drafts drawn by the department ; the issuing of warrants or drafts in payment

of balances reported by the auditor due to contractors and others.

He also has the supervision of the accounts of officers who are under orders to deposit the quarterly balances due by them at certain designated points, and the superintendence of the rendition by postmasters of their quarterly returns of postages and stamps received and sold.

He has charge of the dead-letter office, and the issuing of postage-stamps and stamped envelopes for the payment of postage, and of the accounts connected therewith.

All monthly and weekly returns of depositaries of the department, letters reporting the net proceeds of an office, and all certificates of deposits are sent to him.

This is usually called the "finance-office."

4. THE CHIEF CLERK OF THE POST-OFFICE DEPARTMENT.

This officer has charge of what is called the "inspection-office," which includes the receiving and examining the registers of the arrival and departure of mails ; certificates of the service of route agents, and reports of mail failures ; of noting the delinquencies of mail contractors, and preparing cases for the action of the Postmaster-General ; of furnishing blanks for mail registers, and reports of mail failures ; of providing and sending out mail-bags, and mail

locks and keys, and of doing all other things which may be necessary to secure a faithful and exact performance of all mail contracts.

All cases of mail depredations, violations of law by private expresses, or for forging or illegally using postage-stamps, are reported to this office.

All communications respecting lost money-letters, and also all relating to mail depredations, and other violations of law, or of counterfeiting or violating mail locks or keys, are sent to this office.

These are statute duties in addition to those ordinarily performed by chief clerks.

CHAPTER XLVII.

I. MAIL CONTRACTS.

NEARLY all the important roads, and navigable streams, and railroads have been declared "post-roads," on which the Postmaster-General is required to cause the mails to be transported. Under this direction, each city, town, and village is supplied with the mail. These post-roads are divided into mail routes of various lengths, but so connected as to secure speedy and certain transmission.

Once in four years, descriptions of a portion of these routes are made out and published, and bids to transport the mail thereon, for four years, invited, to be carried either on horse-back, in covered stages, coaches, in steamboats, or on railroads, and as often as stated in the notice. When the bids are received, the service is awarded to the lowest bidder, who gives security for the faithful performance of his contract, which is signed by the contractor and Postmaster-General. In this way, about one fourth part of the routes are every year presented for bids. These contractors are mostly paid by drafts of the department on the postmasters on their routes.

Some portions of the country do not in postages pay the expenses of carrying the mail through them. The deficiencies are supplied from the larger offices, or directly from the treasury. Formerly our mail establishment was a self-sustaining one ; but now, owing to the numerous, long, and unproductive routes in the West and South-west, and the expenses of our foreign mail steamer service, and the low rates of postage, as well as the increase of the mail matter carried free, it fails to meet its expenses by several millions of dollars annually. Whether wise or not, this change has been occasioned, not so much by the policy of the department, as by the imperative action of Congress, and the enlarged use of the franking privilege.

2. POST-OFFICE AGENTS.

The mail service is complicated with almost endless details. So great is the number of persons employed, that omissions and violations of duty can not fail to occur. In order to ferret out and correct these, trusted agents are appointed by the Postmaster-General, who go over and supervise the affairs of the department in specific sections of the country, and report to the proper officer in the department. These agents often manifest great talent and skill in detecting depredations upon the mail. They also investigate charges made against postmasters and mail-carriers, and look into difficulties concerning the mail routes and location of post-offices. These

agents are the eyes, if not the hands of the department, and render most valuable service.

3. MAIL-ROUTE AGENTS.

These are trusted persons appointed by the department to accompany the mails on the important railroad and steam routes, to secure and protect them, and to look after their proper delivery. Theirs is a place of trust and confidence, and upon their fidelity much depends. Usually boats and cars carrying the mail provide an apartment for the agent, which he occupies with the mail. In some he receives mail matter, and prepares it for delivery at the proper points on the route.

4. POSTAGE-STAMPS.

Formerly all letters had the amount of postage marked on them, and a bill was sent stating the rates and total amount sent to any one office. This involved keeping books of account, both at the sending and receiving offices. A small portion only of these postages were then prepaid. Now, no money is paid on letters. Those sending are required to buy and affix stamps upon their letters. This has done away with the old book-keeping. The government employs persons to prepare these stamps, which are sent to the postmasters, to be sold to those wishing to use them. This is a great improvement upon the old system, being more convenient for the parties

and the department and its agents. It greatly simplifies the business of the mail establishment.

5. THE FRANKING PRIVILEGE.

This is a privilege conferred by law upon certain classes of persons, to write their name on letters and other mail matter, and have it carried at government expense through the mails. At first, this privilege was limited to a small number of officials. It now extends from the President, heads of departments and bureaus, to members of Congress, and the secretary of the Senate, and clerk of the House. A very large portion of all the mail matter transported consists of letters, documents, books, and other things which are franked. During a presidential campaign, many tons of electioneering printed matter are carried daily to all parts of the Union, under the frank of members of Congress. At the Capitol in Washington, there is a large force of men and boys, whose time is wholly occupied in folding, at government expense, printed matter, which is subsequently franked by members, or some one for them, and transported through the whole extent of the republic. The carrying this franked matter very largely increases the expense of conveying the mails, if it does not occasion more than one fourth of it. If the franking privilege had been confined to letters on official business, it would find a justification connected with public duty, to which it can not now sustain any claim. As it now

exists, it confers privileges upon certain classes of officials, which creates an odious distinction not consistent with the spirit of our institutions or contemplated by those who framed them.

6. DEAD-LETTER OFFICE.

An immense number of letters which are mailed are never called for at the place to which they are directed. These are advertised, and, if not claimed and taken, they are returned by the postmasters to the department, and are deposited in what is called the "Dead-Letter Office," where they are opened, one by one, by competent and careful hands. If they contain things of value, they are entered upon books, and are so arranged as to be readily found, when demanded by the owner. It is now becoming the practice to return all such letters to the writers, but they are not always called for, and go back to the dead-letter office. All such letters not of value are destroyed by burning.

This dead-letter office is a curiosity. It is filled with things of value of every possible description, from dresses and shawls to small pieces of needlework and laces, from pictures to pin-cushions, and from jewelry and watches of great value to trifling trinkets. Bushels of St. Valentine's epistles reach there every year. It is a place worthy of the curiosity of visitors at the department.

CHAPTER XLVIII.

I. DEPARTMENT OF JUSTICE.

By an act of June 22d, 1870, the Department of Justice was established, the Attorney-General being at its head. The act provides for the appointment of a solicitor-general and two assistant attorneys-general by the President with the consent of the Senate. It transfers the solicitor of the treasury and his assistant, the solicitor of internal revenue, the naval solicitor, the law officer of the Department of State, with their clerks, messengers, and laborers, to this new department. They all exercise their functions under the control of the head of the department. Its place of business is in the treasury building.

2. THE ATTORNEY-GENERAL.

England, as well as most European countries, had a general attorney to represent the government in matters involving legal question. When these words changed their places, and the general attorney became attorney-general can not now be ascertained. In the United States, the Attorney-General is one of the class of high or cabinet officers. The act es-

tablishing the judicial department, and providing for the organization of courts and the appointment of judges, passed in 1789, contains this provision : " There shall also be appointed a meet person, learned in the law, to act as Attorney-General for the United States, who shall be sworn or affirmed to a faithful execution of his office ; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the head of any department touching any matter that may concern that department, and shall receive such compensation for his services as shall by law be provided."

These duties are still required of him. But others of a more diversified character have been added, from time to time, until this office has grown into a department with extensive powers heretofore exercised by other branches of the government.

By a recent act, the Attorney-General is charged with the general superintendence and direction of the attorneys and marshals of all the districts in the United States and territories, as to the manner of discharging their respective duties.

He is authorized to employ attorneys and counselors to assist district-attorneys in the discharge of their duties, at his own instance, or upon the request of the head of a department.

He has a solicitor-general, two assistants, and a

law-clerk to aid him in the performance of his ordinary duties, and may require the assistance of any other officer of his department.

He examines the title of lands proposed to be purchased as sites for forts, light-houses, dock-yards, and all needful buildings, as well as lands purchased for any public purpose. No such lands can be paid for until he certifies the title to be good.

In practice, he receives all applications for the appointment of judges, district-attorneys, and marshals; prepares a brief statement of them for the President, with his views thereon. He does the same in cases of applications for pardons, and the remission of imprisonment of public debtors.

His opinions in cases sent to him by the President, or the head of a department, are all written, and have been printed, forming many volumes. They are cited and command respect in judicial proceedings. The departments usually follow them in performing their duties. In cases not involving constitutional questions, he is authorized to require the written opinion of any of his subordinates, and, if approved by him it has the same effect as if prepared by him. He is authorized to direct any officer under him to attend and defend the interests of the government in any court in any State.

He appoints the clerks and messengers for all the offices in the Department of Justice.

He makes an annual report to Congress on the business of his department, and on any other matter

pertaining thereto that he thinks proper, including the statistics of crime under the laws of the United States, and under those of the several States.

He supervises the accounts of district-attorneys, marshals, and clerks, and other officers of the courts of the United States, and revises the decisions of the accounting officers on them upon appeal to him.

He makes rules and regulations for the government of his department, and the management and distribution of its business.

He causes the opinions given by him, or the officers of his department, to be edited and printed, and bound in volumes for preservation, with head-notes and such foot-notes as he shall approve.

His salary is eight thousand dollars.

3. ATTORNEYS-GENERAL.

The following persons have held the office of Attorney-General :

Edmund Randolph, of Virginia, appointed 26th September, 1789, by President Washington.

William Bradford, of Pennsylvania, appointed 28th January, 1794, by President Washington. Died.

Charles Lee, of Virginia, appointed 10th December, 1795, by President Washington.

Theophilus Parsons, of Massachusetts, appointed 20th February, 1801, by President John Adams. Declined.

Levi Lincoln, of Massachusetts, appointed 5th March 1801, by President Jefferson.

Robert Smith, of Maryland, appointed 2d March 1805, by President Jefferson.

John Breckinridge, of Kentucky, appointed 23d December, 1805, by President Jefferson.

Cæsar A. Rodney, of Pennsylvania, appointed 20th January, 1807, by President Jefferson.

William Pinkney, of Maryland, appointed 11th December, 1811, by President Madison.

Richard Rush, of Pennsylvania, appointed 10th February, 1814, by President Madison.

William Wirt, of Virginia, appointed 13th November, 1817, by President Monroe.

John McPherson Berrien, of Georgia, appointed 9th March, 1829, by President Jackson.

Roger B. Taney, of Maryland, appointed 20th July, 1831, by President Jackson.

Benjamin F. Butler, of New-York, appointed 15th November, 1833, by President Jackson.

Felix Grundy, of Tennessee, appointed 1st September, 1838, by President Van Buren.

Henry D. Gilpin, of Pennsylvania, appointed 10th January, 1840, by President Van Buren.

John J. Crittenden, of Kentucky, appointed 5th March, 1841, by President Harrison.

Hugh S. Legaré, of South-Carolina, appointed 13th September, 1841, by President Tyler. Died.

John Nelson, of Maryland, appointed 1st July, 1843, by President Tyler.

John Y. Mason, of Virginia, appointed 5th March, 1845, by President Polk.

Nathan Clifford, of Maine, appointed 17th October, 1846, by President Polk.

Isaac Toucey, of Connecticut, appointed 21st June, 1848, by President Polk.

Reverdy Johnson, of Maryland, appointed 7th March, 1849, by President Taylor.

John J. Crittenden, of Kentucky, appointed 20th July, 1850, by President Fillmore.

Caleb Cushing, of Massachusetts, appointed 7th March, 1853, by President Pierce.

Jeremiah S. Black, of Pennsylvania, appointed 6th March, 1857, by President Buchanan.

Edwin M. Stanton, of Pennsylvania, appointed 17th December, 1860, by President Buchanan.

Edward Bates, of Missouri, appointed 5th March, 1861, by President Lincoln.

James Speed, of Kentucky, appointed 2d December, 1864, by President Lincoln.

Henry Stanbery, of Ohio, appointed 23d July, 1866, by President Johnson.

William M. Evarts, of New-York, appointed 15th July, 1868, by President Johnson.

E. R. Hoar, of Massachusetts, appointed 5th March, 1869, by President Grant.

Amos T. Ackerman, of Georgia, appointed 8th July, 1870, by President Grant.

CHAPTER XLIX.

OFFICERS UNDER THE ATTORNEY-GENERAL.

I. THE ASSISTANT ATTORNEYS-GENERAL.

By an act of 1868, the President, with the consent of the Senate, was authorized to appoint two assistant attorneys-general, who should "be in lieu of the solicitor, assistant-solicitor, and deputy-solicitor of the Court of Claims, and of the assistant attorney-general provided by law." The act of 1870, establishing the Department of Justice, provides that "there shall be continued in the said department the two other officers, learned in the law, called assistants of the attorney-general, whose duty it shall be to assist the attorney-general and solicitor-general in the performance of their duties, as now required by law." Under these provisions, the Attorney-General can require one or both to defend suits instituted against the United States, in the Court of Claims, and attend to litigation in any other court where they are interested, and perform any duty assigned them in the department.

2. THE SOLICITOR-GENERAL.

The Solicitor-General ranks next to the Attorney-General, and performs his duties in case of a vacancy, absence, or disability. When required by the Attorney-General, in cases referred to him, he gives his opinion in writing, on all cases where constitutional questions are not involved. When requested by him, he argues cases where the government is interested, in the Court of Claims ; and in cases appealed from that court to the Supreme Court of the United States. The Attorney-General may send him to any State or district in the United States to attend to the interests of the government in a State or United States court, for which he receives his actual expenses. He is appointed by the President, with the advice and consent of the Senate. His salary is seventy-five hundred dollars.

3. SOLICITOR-GENERAL.

Benjamin H. Bristow, appointed 9th December, 1870, by President Grant.

4. THE SOLICITOR OF INTERNAL REVENUE.

By a recent act, the office of solicitor of internal revenue forms a part of the Department of Justice. The solicitor is appointed by the President, with the consent of the Senate, and holds his office at the pleasure of the President. The duties required of

him are not defined by statute, but are such as the name implies. He must necessarily examine and advise on numerous questions of law arising in the commissioner's office. In the hands of a man of learning and practical business knowledge, with industry and fidelity, this office must be one of great importance. Financially speaking, there is no more important law officer under the government. His salary is four thousand dollars.

5. THE SOLICITOR OF THE TREASURY.

This office, created in 1830, now forms a part of the Department of Justice. The solicitor directs and superintends all orders, suits, or prosecutions, in law and equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name and for the use of the United States. The district-attorneys, in relation to these matters, are under his direction, and conform to his instructions. This branch of his duties requires much labor and great care. They are rendered more difficult, because, in many particulars, the laws of the different States and territories furnish the rule of action, as well as the statutes of Congress. He performs the duties of the former commissioner of internal revenue, who had charge of the collection of the direct taxes levied under the laws of Congress during the late war with Great Britain. These duties are now nominal.

He has charge of all lands, and other property as-

signed, set off, or conveyed to the United States in payment of debts, and of all trusts created for their use in payment of debts due to them.

He sells and disposes of all lands assigned or set off to the United States, in payment of debts, or which may be vested in them by mortgage, or other security for the payment of such debts.

When real estate becomes vested in the United States by conveyance, extent, or otherwise, in payment of a debt, and the debt is fully paid in money received by them, he is authorized to release such real estate by deed, or otherwise convey the same to the debtor, if living, or if he be dead, to his heirs or devisees, or such person as they shall appoint.

He receives from the district-attorneys, immediately after the end of each term of the federal courts, in their respective districts, a full and particular statement of United States causes pending therein, and of those decided at the term, which statement is required to be certified by the clerk of the court.

He also receives from the district-attorneys a report at the commencement of all suits instituted for the recovery of fines, penalties, and forfeitures.

He also receives from collectors of customs a report of all seizures made by them.

He instructs district-attorneys, marshals, and clerks of the circuit and district courts, in all matters and proceedings appertaining to suits in which the United States are parties, or interested, and requires them to report to him in relation to the same.

He reports to the officer under whose direction he causes suits to be instituted the credits allowed by the judicial tribunals, and the moneys collected by him.

He establishes, with the approbation of the Secretary of the Treasury, rules and regulations, not inconsistent with law, for the observance of collectors, district-attorneys, and marshals, respecting suits in which the United States are parties, as he shall deem necessary to secure the prompt collection of the revenues and debts due to them.

He is required by the sub-treasury act to determine upon the sufficiency of the sureties to the bonds of the treasurer of the United States, the treasurers of the mint at Philadelphia and branch mint at New-Orleans, and of the several depositaries provided in that act. In relation to the latter, he also determines the amount for which sureties shall be given.

In practice, the solicitor performs other important duties. He is the usual organ of the executive departments, under the order of the President, for communicating with counsel, when they desire their employment to defend persons prosecuted for acts done under the authority of such departments.

Contracts and other papers prepared by various officials are often submitted to him for consideration and advice.

The secretary often asks his opinion upon legal questions, and the validity of claims, and the propriety of their payment.

To a great extent, he acts as chamber counsel for

the Treasury Department, and not unfrequently for other branches of the government. A like officer, with suitable powers, attached to each department, as a legal adviser, and one to each house of Congress to aid in the preparation and perfection of bills, would greatly promote the public convenience and save the government millions a year.

Under a recent act, he is required to look after frauds upon the revenue derived from the customs, when required by the secretary.

His duties have been much increased within the last few years, without an increase of salary, which is thirty-five hundred dollars.

6. THE ASSISTANT SOLICITOR OF THE TREASURY.

The office of assistant solicitor of the treasury was created by the act of 1866. He is appointed by the Secretary of the Treasury. The statute specifies no duties which he is to perform. They are such as the solicitor may prescribe.

His salary is three thousand dollars.

7. LAW-OFFICER OF THE STATE DEPARTMENT, OR EXAMINER OF CLAIMS.

This officer is appointed by the President with the consent of the Senate. Neither the act creating the office, nor that transferring it to the Department of Justice, defines the duties he is required to per-

form. The name indicates that he is to examine and express opinions upon claims against the government, presented to the State Department for payment. His salary is thirty-five hundred dollars.

8. ATTORNEY-GENERAL'S LAW CLERK.

The office of law clerk to the Attorney-General was created by the act of 1866, which authorizes that officer to appoint such a clerk. The statute specifies no duties which he is to perform. He is subject to the directions of the Attorney-General, and assists him in the investigation of legal questions.

His salary is twenty-five hundred dollars.

CHAPTER L.

I. THE FEDERAL JUDICIARY.

THE constitution declares that the judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as Congress may, from time to time establish, and the judges are appointed by the President, with the consent of the Senate, and hold their offices during good behavior, or, in other words, for life. To secure their independence, they are to receive, at stated times, a compensation for their services, which shall not be diminished during their continuance in office. The powers and duties of these courts are specially enumerated in the constitution, which we have given. The number of judges composing the Supreme Court, the time and manner of serving, and their salaries, depend upon the action of Congress. The number of inferior courts, how organized and constituted, and their powers and duties, depend upon the legislation of Congress. In the organization of the federal courts, the English and our own State systems have been substantially copied. Except in equity, all matters of fact are determined by a sworn jury of twelve men, and all

questions of law are decided by the court, and are often revised by an appellate tribunal. Parties conduct their own causes, or appear and act by counsel. All trials are in public, and open to be broadly criticised by all who desire to do so. This publicity is a very great security against injustice and wrong. Few men have the courage or hardihood to brave an adverse criticism resting upon an unquestioned and solid foundation.

The formal ceremony of the judges proceeding to and from the court with a sheriff at their head with a drawn sword, and tipstiffs, or constables, on the right and left, with their emblematic rods, and similar ceremonies, once common in this country, as they still are in England, are all dispensed with. Neither wigs nor cocked hats for the judges are now required. The bar are no longer expected to wear black gowns and gloves when addressing the court. In nearly all respects, the federal courts are conducted like the higher courts in the States where they sit. And when not controlled by the laws of the United States, these courts follow the State laws in determining the rights of parties, as well as the forms through which questions are presented for consideration.

Before entering upon their official duties, the judges of the Supreme and other courts are required to take this oath: "I —, do solemnly swear, or affirm, that I will administer justice without respect to persons, and do equal right to the poor and the rich, and that I will faithfully and impartially

discharge and perform all the duties incumbent on me as — according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States ; so help me God."

By a recent law it is provided " that any judge of any court of the United States, who, having his commission as such at least ten years, shall, after having attained the age of seventy years resign his office, shall thereafter, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation."

CHAPTER LI.

I. THE SUPREME COURT OF THE UNITED STATES.

THE constitution provides for the institution of this court. It is the highest judicial tribunal in the United States. When first established, it was composed of a chief-justice and four associates. The latter were increased, from time to time, to nine. They are now reduced to eight. No court excels it in order, decorum, and approved dignity. The judges wear black silk robes, resembling those worn by clergymen. With few exceptions, its labors are confined to the revision of the proceedings of inferior tribunals.

This court forms its own rules of practice. It also prescribes the forms of process to be used in all inferior United States courts. Under statutes, it provides rules of practice in equity and admiralty cases, and in bankruptcy in the circuit and district courts.

An act of Congress divides the United States into ten circuits, under which this court assigns its members to the different circuits.

In this court the youngest justice in commission first reads the opinion of the court, and the others in

their order, and the chief-justice closes the delivery of them. The dissents are read immediately after the opinion is concluded.

On the first day of its meeting no business is ever transacted ; but the court, and its officers, with the chief-justice at their head, make a formal call upon the President as the official head of the government.

The court appoints its own clerk and subordinate officers, except marshal.

The decisions of this court have been reported from its organization, in 1789, to the present time, and for the last fifty years by reporters appointed by the court, under acts of Congress. These reports, extending to over seventy volumes, furnish precedents and authority which are respected by all judicial tribunals in the Union, and are highly esteemed in foreign countries, and especially in cases involving the law of nations, and where the laws of the sea are involved. Upon the ability, honesty, purity, and independence of this tribunal the duration of our form of government, and the welfare and happiness of the people, largely depend. Should their decisions be without sufficient foundation, or be suspected of favoritism, or of being swayed by political or partisan considerations, it will cease to enjoy the confidence or command the respect of the American people. Should this ever occur, it will not be a respected or useful department of the government.

CHAPTER LII.

2. THE CHIEF-JUSTICE OF THE UNITED STATES.

THE constitution contemplates that there will be a Chief-Justice, by requiring him to preside when the President is on trial under impeachment. An act of Congress provides there shall be a Chief-Justice, and ascertain number of associate justices. But the statute prescribes no other duties to be performed by him which are not common to his associates. In practice, he presides in the Supreme Court, controls the docket of the court, and regulates the order of business, and assigns to his associates the cases in which they are to prepare opinions. Decisions in practice cases are always read or delivered by the Chief-Justice. Upon him devolves the care of managing the business of the court. He is the official head of the judicial department of the government, and holds his office during good behavior. By custom the Chief-Justice administers to the President and Vice-President elect the oath of office prescribed by the constitution.

In official dignity, the Chief-Justice ranks next to the President. He nominates and recommends, in

each congressional district, one or more persons to be appointed by the district judges registers in bankruptcy, to assist said judges in the performance of their duties under the bankrupt act of 1867.

The Chief-Justice and the associate justices are required to attend one term, at least, of the circuit court in each district in his circuit, during each period of two years.

The Chief-Justice's salary is sixty-five hundred dollars.

3. CHIEF-JUSTICES OF THE SUPREME COURT OF THE UNITED STATES.

The following persons have been appointed chief-justice :

John Jay, of New-York, appointed 26th September, 1789, by President Washington. Being appointed envoy extraordinary to England, resigned in 1795.

John Rutledge, of South-Carolina, appointed 1st July, 1795, by President Washington. He presided at one term of the court, but was rejected by the Senate, 15th December, 1795.

William Cushing, of Massachusetts, appointed 27th January, 1796, by President Washington. He was then an associate justice, and declined.

Oliver Ellsworth, of Connecticut, appointed 4th March, 1796, by President Washington. Being appointed 27th February, 1799, minister plenipoten-

tiary to France, after holding the August term of the court in that year, proceeded on his mission, and soon resigned.

John Jay, of New-York, appointed 19th December, 1800, by President Adams. Declined.

John Marshall, of Virginia, appointed 31st January, 1801, by President Adams. He was then Secretary of State, and served until the 4th of March, holding both offices at the same time. He died the 6th of July, 1835, having presided in the Supreme Court thirty-four years.

Roger B. Taney, of Maryland, appointed 15th March, 1836, by President Jackson. He died October 12th, 1864, in the eighty-eighth year of his age, having presided more than twenty-eight years.

Salmon P. Chase, of Ohio, appointed 6th December, 1864, by President Lincoln. He now presides.

CHAPTER LIII.

I. THE ASSOCIATE JUSTICES OF THE SUPREME COURT.

THE constitution provides that there shall be a Supreme Court, but does not prescribe the number, or designate who shall compose it. The associates of the Chief-Justice are appointed in the same manner that he is, and hold their office by the same tenure. Except presiding when the President is on trial when impeached, neither the constitution nor statutes prescribe duties different from those required of the Chief-Justice, other than under the bankrupt law. On the bench, as well as on their circuits, they exercise the same powers and perform similar duties. In the absence of the Chief-Justice, the senior associate justice presides. The salary is six thousand dollars.

2. ASSOCIATE JUSTICES.

The following persons have been appointed associate justices of the Supreme Court of the United States :

John Rutledge, of South-Carolina, appointed 26th September, 1789, by President Washington. Resigned in 1791, and Thomas Johnson appointed.

William Cushing, of Massachusetts, appointed 27th September, 1789, by President Washington. Died in 1810, and Levi Lincoln appointed.

James Wilson, of Pennsylvania, appointed 29th September, 1789, by President Washington. Died in 1798, and Bushrod Washington appointed.

John Blair, of Virginia, appointed 26th September, 1789, by President Washington. Resigned in 1796, and Samuel Chase appointed.

Robert H. Harrison, of Maryland, appointed 26th September, 1789, by President Washington. Resigned in 1790, and James Iredell appointed.

James Iredell, of North-Carolina, appointed 10th February, 1790, by President Washington. Died in 1799, and Alfred Moore appointed.

Thomas Johnson, of Maryland, appointed 5th August, 1791, by President Washington.

William Patterson, of New-Jersey, appointed 4th March, 1793, by President Washington. Died in 1806, and Brockholst Livingston appointed.

Samuel Chase, of Maryland, appointed 27th January, 1796, by President Washington. Died in 1811, and Gabriel Duval appointed.

Bushrod Washington, of Virginia, appointed 29th September, 1798, by President John Adams. Died in 1829, and Henry Baldwin appointed.

Alfred Moore, of North-Carolina, appointed 10th

December, 1799, by President Adams. Resigned in 1804, and William Johnson appointed.

William Johnson, of South-Carolina, appointed 26th March, 1804, by President Jefferson. Died in 1834, and James M. Wayne appointed.

Thomas Todd, of Kentucky, appointed 3d March, 1807, by President Jefferson. Died in 1826, and Robert Trimble appointed.

Brockholst Livingston, of New-York, appointed 10th November, 1806, by President Jefferson. Died in 1823, and Smith Thompson appointed.

Levi Lincoln, of Massachusetts, appointed 3d January, 1811, by President Madison. Declined, and John Quincy Adams appointed.

John Quincy Adams, of Massachusetts, appointed 22d February, 1811, by President Madison. Declined, and Joseph Story appointed.

Gabriel Duval, of Maryland, appointed 18th November, 1811, by President Madison. Resigned in 1836, and Philip P. Barbour appointed.

Joseph Story, of Massachusetts, appointed 18th November, 1811, by President Madison. Died in 1845, and Levi Woodbury appointed.

Smith Thompson, of New-York, appointed 1st September, 1823, by President Monroe. Died in 1843, and Samuel Nelson appointed.

Robert Trimble, of Kentucky, appointed 9th May, 1826, by President J. Q. Adams. Died in 1828, and John McLean appointed.

John McLean, of Ohio, appointed 7th March,

1829, by President Jackson. Died in 1861, and Noah M. Swayne appointed.

Henry Baldwin, of Pennsylvania, appointed 6th January, 1830, by President Jackson. Died in 1846, and Robert C. Grier appointed.

James M. Wayne, of Georgia, appointed 9th January, 1835, by President Jackson. Died 5th July, 1867. Place not filled, but abolished.

Philip P. Barbour, of Virginia, appointed 15th March, 1836, by President Jackson. Died in 1841, and Peter V. Daniel appointed.

John Catron, of Tennessee, appointed 8th March, 1837, by President Van Buren. Died on May 30th, 1865. Vacancy not filled, but the office abolished.

William Smith, of Alabama, appointed 8th March, 1837, by President Van Buren. Declined.

John McKinley, of Alabama, appointed 22d April, 1837, by President Van Buren. Died 19th July, 1852, and John A. Campbell appointed.

Peter V. Daniel, of Virginia, appointed 3d March, 1841, by President Van Buren. Died in 1860, and Samuel F. Miller appointed.

Samuel Nelson, of New-York, appointed 14th February, 1845, by President Tyler. Still retains his seat.

Levi Woodbury, of New-Hampshire, appointed 20th September, 1845, by President Polk. Died September 7th, 1851, and Benjamin R. Curtis appointed.

Robert C. Grier, of Pennsylvania, appointed 4th

August, 1846, by President Polk. Resigned on a pension, and died in 1870.

Benjamin R. Curtis, of Massachusetts, appointed 22d September, 1851, by President Fillmore. Resigned in 1857, and Nathan Clifford appointed.

John A. Campbell, of Alabama, appointed —, 1853, by President Pierce. Resigned, and Daniel Davis appointed.

Nathan Clifford, of Maine, appointed 12th January, 1857, by President Buchanan. Still retains his seat.

Noah M. Swayne, of Ohio, appointed December, 1861, by President Lincoln, in place of John McLean. Still retains his seat.

Samuel F. Miller, of Iowa, was appointed 16th January, 1862. Still retains his seat.

Daniel Davis, of Illinois, appointed 8th December, 1862, by President Lincoln. Still retains his seat.

Stephen J. Field, of California, appointed 10th March, 1863, by President Lincoln, under a law of March 3d, 1863, authorizing an additional associate justice. He still retains his seat.

3. CLERK OF THE SUPREME COURT.

There are few statute duties imposed upon the clerk of the Supreme Court. Most of them arise under the rules and practice of the court. His is a place of high trust and great confidence. He keeps all the records and files of the office, and records the proceedings of the court, and certifies, under seal,

such as parties may require. His compensation is ten dollars a day for attending court, and for his other services double the fees of the clerk of the Supreme Court of Pennsylvania, where the court was holden when the law fixing his fees was passed.

4. THE FOLLOWING PERSONS HAVE BEEN CLERKS
of the Supreme Court of the United States :

John Tucker, of Massachusetts, appointed February, 1790. Resigned.

Samuel Bayard, of Delaware, appointed 1st August, 1791. Resigned.

Elias B. Caldwell, of New-Jersey, appointed 15th August, 1800. Died.

William Griffith, of New-Jersey, appointed 9th February, 1826. Died.

William T. Carroll, of District Columbia, appointed 20th January, 1827. Died.

D. W. Middleton, of District Columbia, appointed 1st December, 1863. Present incumbent.

5. SUPREME COURT REPORTER.

For ages past, the decisions of the higher courts in England have been reported and printed. Those determined in the United States Supreme Court were, from its establishment drawn up and published, for many years, by the hand of private enterprise; but latterly and at present by an official reporter appointed by the court, and paid by the government.

He prepares and publishes its decisions under the direction of the court, usually limited to one volume per annum, and never over two. He is required to deliver to the Department of State, for the use of the government, one hundred and fifty copies of each volume, on doing which he receives thirteen hundred dollars salary per volume, whether limited to one or extended to two. These reports enable the judges, counsel, and others to correctly understand the decisions of the court, and the ground upon which they rest. They are treated by all federal tribunals as authority, and generally respected by all officers of the government. The judiciary of each State determines for itself whether it will recognize and follow the decisions of this court or their own opinions, or be governed by those put forth by their predecessors.

6. REPORTERS.

The following persons have been reporters of the Supreme Court of the United States :

Alexander J. Dallas, of Pennsylvania, reported from 1789 to 1800 inclusive.

William Cranch, of Massachusetts, reported from 1801 to 1815 inclusive.

Henry Wheaton, of New-York, reported from 1816 to 1827 inclusive.

Richard Peters, Jr., of Pennsylvania, reported from 1828 to 1842 inclusive.

Benjamin C. Howard, of Maryland, reported from 1843 to 1860 inclusive.

Jeremiah S. Black, of Pennsylvania, reported from 1861 to 1862 inclusive.

John W. Wallace, of Pennsylvania, reported from 1862. Is the present incumbent.

7. THE CIRCUIT COURTS.

Circuit courts are the highest federal tribunals where ordinary causes are tried before juries. The States are now divided into nine circuits, though at one time of ten, consisting of several States each. With the consent of the Senate, the President appoints a circuit judge for each, who must reside within it, and has the same power and jurisdiction as a justice of the Supreme Court allotted to the circuit. When neither a justice of that court nor the district judge attends, he holds a court alone. He presides when the latter attends. When a justice of the Supreme Court is present, he presides. The circuit judges appoint the clerks of the circuit courts. The marshal and district-attorney of each district attend the terms of the circuit courts to perform their official duties. When the judges disagree in opinion on any question of law, they certify the points of their division to the Supreme Court, for its directions. The circuit courts revise the decisions of the district courts. The forms of proceeding

in them are generally similar to those of the State courts where they sit. The Supreme Court prescribes the rules of practice in equity cases.

The circuit courts have power to appoint commissioners to take affidavits and testimony, and perform other subordinate judicial functions usually discharged by State magistrates in criminal cases.

The salary of circuit judges is five thousand dollars.

CHAPTER LIV.

I. DISTRICT COURTS AND THEIR OFFICERS.

DISTRICT judges are appointed by the President with the consent of the Senate, and hold their offices during good behavior. Their jurisdiction is limited to a specified district, embracing a part, or often a whole State. It is one of the inferior courts contemplated by the constitution, and ranks below the circuit courts, to which its decisions can be taken for revision. They appoint their own clerks. The marshals and district-attorneys attend them as they do the circuit courts. This tribunal has original jurisdiction in all admiralty causes, and of most of the cases arising in the custom-houses, and those growing out of bankruptcies. The Supreme Court prescribes rules in admiralty and bankruptcy cases for the district courts. The salaries of the judges vary from fifteen hundred to five thousand dollars.

2. MARSHALS.

The word marshal has not always indicated the same functions and duties. Originally a marshal was an attendant upon a horse. He rose in position

as he manifested skill in the management of the animal. In England, he was the personal protector of the king, and held a court to determine questions among those about the king's person. Subsequently he preserved order in the army, and afterward was intrusted with frontier commands. He is now the eighth in rank among the great officers of state in England. The seven who outrank him are, the lord high steward, the lord chancellor, the lord high treasurer, the lord president of the council, the lord privy seal, the lord great chamberlain, and the lord high constable.

In France, marshals have devoted themselves mainly to arms, and enjoy the highest military positions in the empire.

In the United States, the term "marshal" is but another name for "sheriff," the duties being those performed by that officer in England, and in the different States of the Union. There is one for each judicial district.

The marshals are appointed by the President with the consent of the Senate, and hold for the term of four years. They attend upon the federal circuit and district courts, and serve all processes issued by them. They give bonds, and, under the direction of the courts, pay their expenses, such as jury and witness fees, and incidental charges. They receive a nominal salary of two hundred dollars, and a *per diem* of five dollars a day when attending court ; but their principal compensation is derived from fees for

serving process and disbursing money. The marshal for the District of Columbia attends the Supreme Court during its sessions.

The marshals are required to report to the Attorney-General an account of their official proceedings, and the state and condition of their offices, at such time and in such manner as the Attorney-General may direct.

3. DISTRICT-ATTORNEYS.

The name of these officers does not indicate their duties or the extent of their official jurisdiction.

Formerly, in England, and now in some of the American States, a district of country embracing several counties was assigned to a judge, in which he held criminal courts, called Oyer and Terminer—to hear and determine. An attorney to represent the crown, or State, was necessary to enter upon trials. As he was selected to proceed through the whole district, he received the appellation of “district-attorney.” In the federal courts, and in many of the States, the duties of this officer have become local, confined to a particular county, or place of holding a single court. But the name of the officer continues the same as formerly, when there was reason for its application to him.

District-attorneys represent the United States in all their business in the circuit and district courts, both civil and criminal. In civil suits, they stand in the same relation to the government that other

attorneys do to their clients. They also represent the United States in the prosecution of all crimes and misdemeanors. This office is one largely sought for by lawyers. The position is considered highly respectable, and is often exceedingly profitable.

The district-attorneys receive a nominal salary of two hundred dollars, and the residue of their compensation is mainly derived from fees prescribed by an act of Congress. When they defend officers and others at the instance of the government, their remuneration is not regulated by law, but depends upon agreement.

The district-attorneys are required by law to report to the Attorney-General an account of their official proceedings, and the state and condition of their offices, at such time and in such manner as he may direct.

4. ATTORNEYS-AT-LAW.

In the federal as well as in the State courts, attorneys-at-law are officers of the court, and amenable to it. They are appointed or licensed by the court before they can act, except in one or two States, where all regulations to secure knowledge and integrity in their occupation are abolished. No one can be admitted who does not maintain a good moral character, and has not sufficient legal knowledge to understand the business of his client. Courts remove them for improper conduct.

The word "attorney" means one who is put in the

place, stead, or turn of another, to manage his matters in a court. Strictly speaking, an attorney only draws papers, and prepares causes for courts, but does not address either court or jury as an advocate. But this is not the general custom in the United States.

An attorney is responsible to his client for gross ignorance or want of fidelity in the management of his business.

Congress has provided a fee bill for the compensation of attorneys in the federal courts, which can be collected of the losing party by the other. Some States have done the same, and others have left the matter wholly open to agreement between attorney and client. It is a vulgar error to attribute to attorneys dishonesty or trickery. A fair scrutiny will show that they are as free from such reproach as other classes of the human family. It is not their fault that their occupation compels them to represent clients and oppose adversaries whose characters are more or less stained by indefensible or questionable acts.

5. COUNSELORS-AT-LAW.

The federal as well as State courts admit and license counselors, who advocate or plead causes for clients before them. This is the highest professional position at the bar. By the old practice, it required three or more years' practice in the courts as attorney before admission as counselor. The courts

were strict in requiring evidence of good character, and subjected candidates to a rigid examination before a license would be granted. This strictness does not now prevail to the extent that the public good requires.

It is the legitimate business of a counselor to advise clients on questions of law, and to present honestly and fairly their cases to courts and juries, when litigated in court.

Their compensation depends entirely upon agreement with their clients. Formerly, in England, where the client refused to pay, he could not enforce his claims in the courts. This has never been the settled rule in the federal or other American courts.

Owing to the high character of leading counselors, they have not been extensively subject to the suspicions and imputation heaped so freely upon attorneys. The office of advocate, as known in England, is not generally recognized in this country. It is, in effect, included in that of counselor.

It may be said of counselors, that in England and in this country they have been the most ardent and efficient enemies of tyranny, and sturdy friends of liberty, known in either. Those who are deeply learned have a keen sense of justice, of right and wrong, not excelled by any other class of men, while their mental training qualifies them to present their views in the most emphatic and forcible manner.

CHAPTER LV.

I. THE COURT OF CLAIMS AND ITS OFFICERS.

PRIOR to 1855, those having claims against the government, which the departments declined to pay, had no remedy except by petition to Congress. Although several of the States had made provision for their being sued by claimants, and authorizing suits against counties and towns, there was no provision conferring authority to institute a suit against the federal government. Those who could not attend upon Congress to press the consideration of their cases were without remedy.

In 1855, an act was passed to establish a court of claims, consisting of three judges, a solicitor to represent the United States, and a clerk to record its proceedings.

Subsequently, an assistant and deputy-solicitor were added, and an assistant clerk, since which two judges have been added, making in all five.

The judges are appointed by the President with the consent of the Senate, and hold their offices during good behavior.

The offices of solicitor, assistant, and deputy have been recently abolished. Their places are supplied

by two assistant attorneys-general, appointed by the President with the consent of the Senate, who, with the Attorney-General and Solicitor-General, attend to the prosecution and defense of all matters and suits in the court, in behalf of the government. These assistants receive a salary of five thousand dollars. Causes appealed from this court to the Supreme Court are argued by the Attorney or Solicitor-General.

The clerk and assistant-clerk, bailiff, and messenger are appointed and removable by the court.

The court has jurisdiction of claims founded upon a law of Congress, a regulation of an executive department, or contract, express or implied, and of counter claims by the government.

The court licenses attorneys and counselors like other courts, and who perform the like duties.

It appoints commissioners to take depositions to be used in the court.

Appeals, where the amount in controversy is over three thousand dollars, may be taken by either party to the Supreme Court of the United States.

Members of Congress are forbidden to practice in this court.

The claimant can be a witness in his own behalf, and the government may compel him to testify.

The court has the usual powers of regulating business, and compelling the attendance of parties and witnesses before commissioners, and can call upon the head of a department for information. It gene-

rally applies the common law rules of evidence to cases before it.

The practice of the court much resembles proceedings in chancery.

Its decisions are reported by one of the judges and the clerk.

All petitions and evidence in a cause are printed before hearing, where the claim is over three thousand dollars, at the expense of the government, and below that sum at that of the claimant.

The salary of the judges is four thousand dollars. The clerk receives three thousand dollars, and his assistant two; and the bailiff one thousand.

2. This court is a highly useful institution, and can be made much more so by intelligent legislation. It was established after a careful consideration of a like tribunal long since created in Prussia, in which in all respects the government is on a par with the lowest subject. In many States, the ordinary tribunals have the like jurisdiction in favor of individuals against the State governments. There is no good reason why the federal or State governments should not be amenable to judicial tribunals the same as they provide for individuals seeking to enforce their claims upon others. What is right and just between individuals, must be so between them and their government.

CHAPTER LVI.

I. THE DISTRICT OF COLUMBIA.

THE framers of the federal constitution appreciating the necessity of locating the government where it would have supreme control beyond all possible interference of State authorities, provided in that instrument the necessary means of protection and independence in this provision : "Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States."

The Congress of the Confederation, after the adoption of the constitution, resolved that New-York, where it was then sitting, should be the temporary seat of government, and that the President should be there sworn into office, and the new Congress assemble on the thirtieth of April, 1789. On that day Washington there took the constitutional oath of office and entered upon the duties of President.

2. The first Congress assembled at the same time and held two sessions there, ending on the twelfth of August, 1790. In July of that year, Congress passed an act accepting territory offered by Maryland and Virginia, on the Potomac, for a permanent seat of

government, under the provisions of the constitution, about one half of the ten miles square being in each State, and directing that it be removed there by the first Monday in December, 1800, which was done. They also directed that prior to the first Monday in December, 1790, the seat of government should be at Philadelphia. It was accordingly removed, and the third session of the first Congress and all those of the next four years, ending March 3d, 1799, were held in that city.

The government was removed to Washington by the first of December, 1800, during the last year of the administration of John Adams.

The District of Columbia contained three cities, Alexandria, on the Virginia, and Georgetown and Washington on the Maryland side of the Potomac. The two former were then old cities, and the latter consisted of common farms when the government was located there.

Courts and the usual machinery of city governments were provided for these cities. Banks and other institutions were established in each. On the east side of the Potomac, the laws of Maryland were adopted, and continued, unless altered by Congress. The laws of Virginia were declared in force on the west side. The anomaly was presented of the same judges declaring and enforcing Virginia laws one day, and those of Maryland on the next.

3. In 1846, on the application of Virginia, Congress retroceded to that State so much of the District as she had formerly ceded to Congress. The

District of Columbia now lies wholly in Maryland, on the east side of the Potomac.

The act transferring the seat of government to the district provides that "all offices attached to the said seat of government shall accordingly be removed thereto by their respective holders, and shall, after said day, cease to be exercised elsewhere," thus requiring all the officers of the executive departments to perform their duties in the District of Columbia.

4. By a recent act of Congress, the city governments of Washington and Georgetown under their charters have been abolished, and a territorial government, called the District of Columbia, established over both, including the whole district. Provision is made for the appointment of a governor, secretary, and other officers to be appointed by the President with the consent of the Senate, and for the election of a territorial legislature, with specific and limited powers, and for choosing a delegate to Congress with the same power and privileges as exercised by delegates from other territories. The officers appointed by the President are paid from the federal treasury, and all others by the district government. A board of public works with broad powers over streets, bridges, and the construction of private buildings, is provided, the members of which are appointed by the President with the consent of the Senate, of which board the governor is president.

The salary of members of the board is twenty-five hundred dollars, and that of the governor five thousand dollars.

CHAPTER LVII.

I. THE TERRITORIES.

THE territories acquired by the federal government of the States prior to the constitution have long since passed into States in conformity with the terms of the cession. Much of that acquired of France, Spain, and Mexico has been disposed of in like manner. But there still remains a vast area not yet sufficiently settled to be entitled to be admitted as States of the Union. There are nine of these territorial governments framed by Congress, to wit, New-Mexico, Colorado, Arizona, Idaho, Washington, Utah, Dakota, Wyoming, and Montana, containing a million of square miles, besides the Indian Territory, embracing sixty-nine thousand, and the Russian purchase, which includes near six hundred thousand square miles.

Except the two last, these territories have governors, judges, (whose salaries are three thousand dollars,) marshals, district-attorneys, and some other officers appointed by the President with the consent of the Senate. The people elect a legislative council, whose acts Congress can annul to make laws for their respective governments. They also elect delegates to Congress, who can address the House on the affairs of their territories, but have no votes.

The lands in these territories mostly belong to the government, which causes them to be surveyed and offered for sale. Many of these lands are valuable for their gold, silver, and other mines ; for their timber, and for agricultural purposes. Those at the south are valuable for grazing, and at the north for their furs and peltries, and nearly all parts for their fisheries. Rail and wagon roads are penetrating these territories, which are being fast settled, even among the Rocky Mountains. It is only a question of time when they will be converted into States, and assume a position of equality with the present States.

2. THERE ARE NINE TERRITORIES, TO WIT, COLORADO, MONTANA, UTAH, ARIZONA, WYOMING, IDAHO, DAKOTA, WASHINGTON, AND NEW-MEXICO.

APPENDIX I.

CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free per-

sons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New-Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the

next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a

majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same ; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time ; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in

the House of Representatives: but the Senate may propose or concur with amendments, as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States: if he approve, he shall sign it: but if not he shall return it with his objections, to that house in which it shall be originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered: and if approved by two thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States ;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes ;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States ;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures ;

To provide for the punishment of counterfeiting the securities and current coin of the United States ;

To establish post-offices and post-roads ;

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries ;

To constitute tribunals inferior to the Supreme Court ;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations ;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water ;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years ;

To provide and maintain a navy ;

To make rules for the government and regulation of the land and naval forces ;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions ;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

To exercise exclusive legislation in all cases whatsoever

over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SEC. 10. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress ; but no senator or

representative, or persons holding an office of trust or profit under the United States, shall be appointed an elector.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing,

of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law ; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may on extraordinary occasions convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist

only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make

all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in the constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive, (when the legislature can not be convened,) against domestic violence.

ARTICLE V.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this constitution shall be as valid against the United States under this constitution, as under the Confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties

made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON,
Presid't, and Deputy from Virginia.

NEW-HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

Wm. Saml. Johnson,
Roger Sherman.

NEW-YORK.

Alexander Hamilton.

NEW-JERSEY.

Wil. Livingston,
David Brearley,
Wm. Paterson,
Jona. Dayton.

PENNSYLVANIA.

B. Franklin,
Thomas Mifflin,

Robt. Morris,
Geo. Clymer,
Tho. Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouv. Morris.

DELAWARE.

Geo. Read,
Gunning Bedford, Jr.,
John Dickinson,

Richard Bassett,
Jaco: Broom.

MARYLAND.

James M'Henry,
Dan. of St. Thomas Jeni-
fer,
Dan. Carroll.

VIRGINIA.

John Blair,
James Madison, Jr.

NORTH-CAROLINA.

Wm. Blount,
Richd. Dobbs Spaight,
Hu. Williamson.

SOUTH-CAROLINA.

J. Rutledge,
Charles Cotesworth Pinck-
ney,
Charles Pinckney,
Pierce Butler.

GEORGIA.

William Few,
Abr. Baldwin.

Attest :

WILLIAM JACKSON, *Secretary.*

AMENDMENTS

TO THE CONSTITUTION OF THE UNITED STATES, RATIFIED
ACCORDING TO THE PROVISIONS OF THE FIFTH ARTICLE
OF THE FOREGOING CONSTITUTION.

ARTICLE I.

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war and public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself; nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reëxamined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX.

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons

having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed ; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of

the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing

insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

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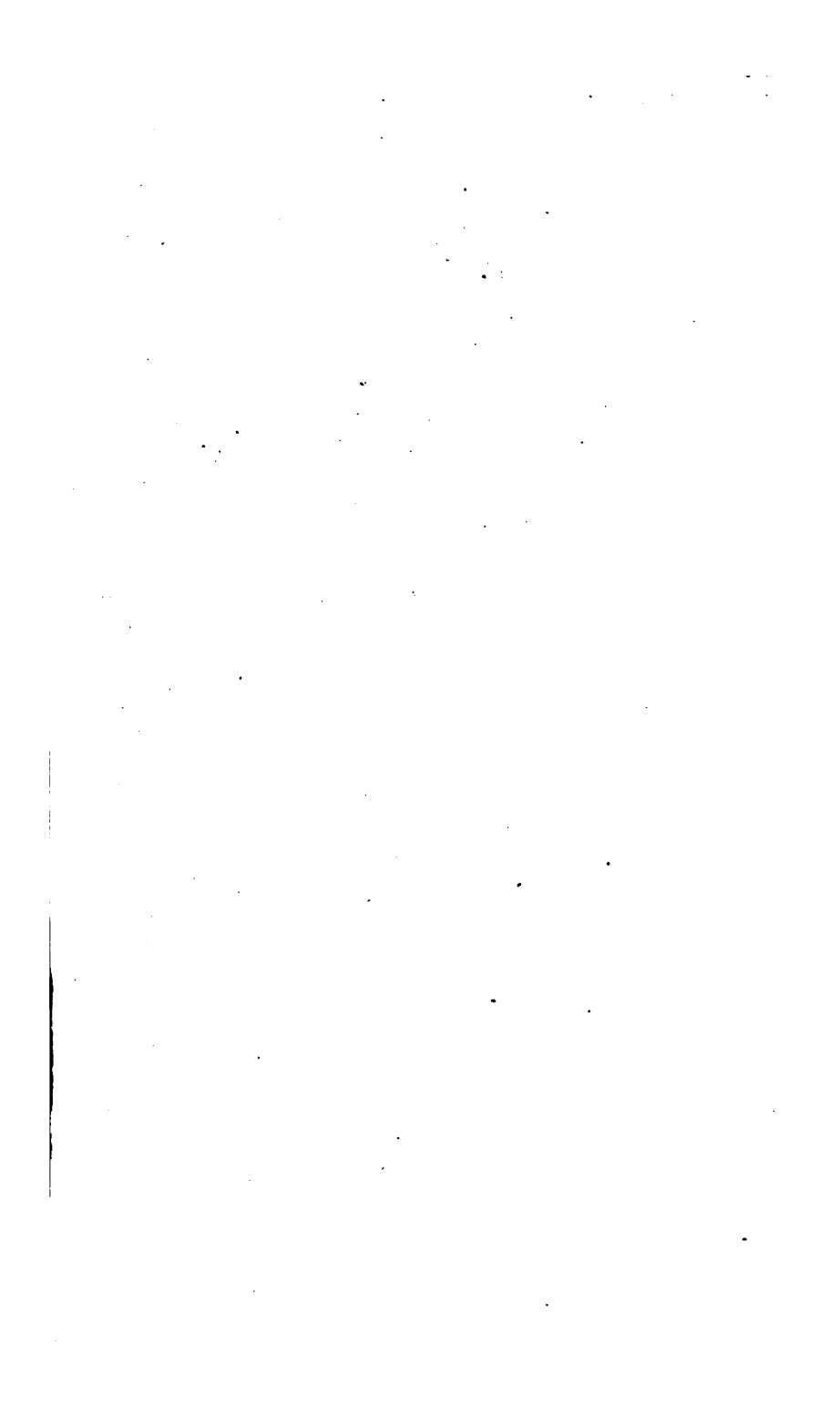
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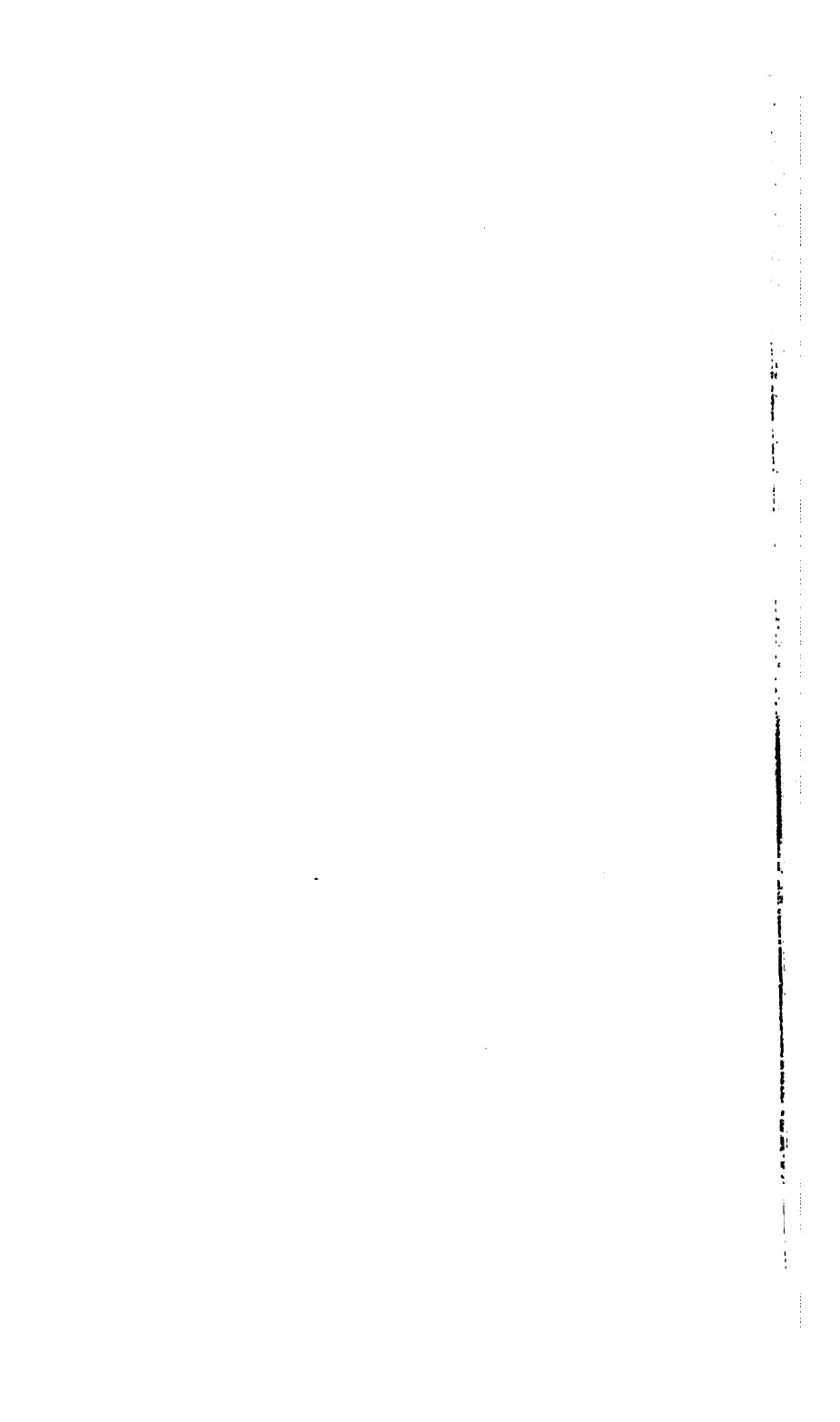
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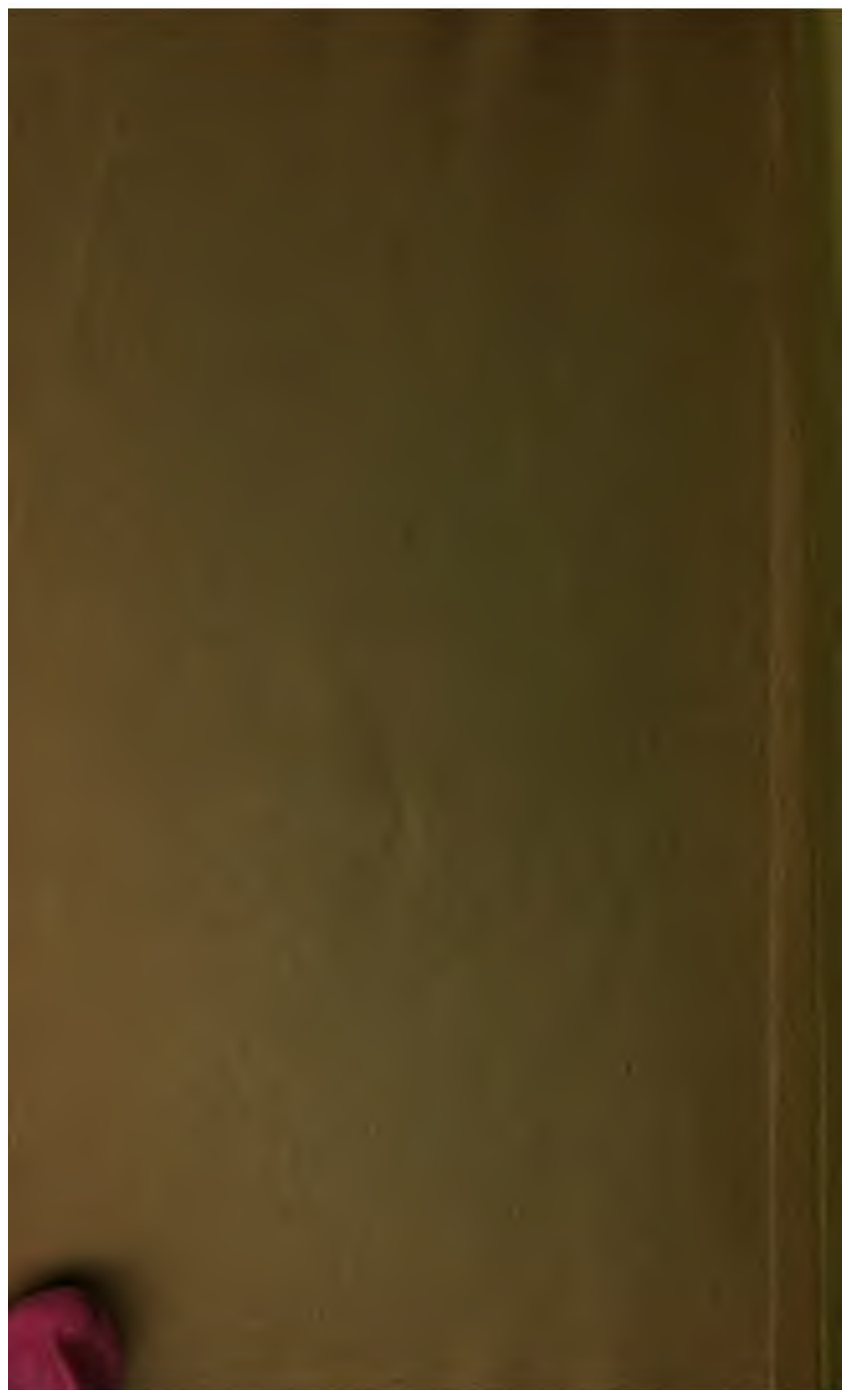
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